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A

MEMORIAL

ADDRESSED TO THE

SOVEREIGNS OF AMERICA.

[Price 2s. 6d.]

1783



A

MEMORIAL ADDRESSED TO THE SOVEREIGNS OF AMERICA,

By T. POWNALL,
LATE GOVERNOR, CAPTAIN-GENERAL, VICE-ADMIRAL, &c. OF THE PROVINCES, NOW STATES, MASSACHUSETTS-BAY AND SOUTH-CAROLINA; AND LIEUTENANT-GOVERNOR OF NEW-JERSEY.

To make Principles or Fundamentals, belongs not to Man, to Nations, nor to Human Laws: to build upon such Principles or Fundamentals, as are apparently laid by GOD in the inevitable Necessity or Law of Nature, is that which truly appertains to Man, to Nations, to Human Laws: to make any other Fundamentals, and then to build upon them, is to build Castles in the Air.

Harrington's Political Aphorisms, No. 25.

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THE following Paper states and explains the System of the New World in America ; the natural Liberty of the Individual settled there ; the Frame into which the Communities of individuals (prior to all consideration of Political Society) naturally form themselves. By these principles it leads to the discussion of the nature of their States and their political Freedom ; of the nature of the Confederation and General Government ; and from hence the Spirit and Temper of Polity, which may hereafter form *the Reason of State*, or System of Administration in the affairs of that Empire, are sketched out.

BY

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AS

As the several matters which range under this general Subject are intimately interwoven with the *Essence*, and deeply interest the *Existence* of this Sovereign Empire, they ought to be apparent to, and to be understood by, every Citizen of America, who has a share in the business of his Country: this Memorial, therefore, is addressed to the SOVEREIGNS OF AMERICA. It is, moreover, published to the Citizens at large, as “*What concerns All, should be considered of by All*”.

A practical knowledge of the matters contained in this Paper, especially of those points which respect the new *System* of a New World; a knowledge of the *Constitution* of the General Government, and of the ground and move-

movements of the American *Administration*, is indispensably necessary to every Statesman in Europe, who may have Connections and Habits of business with this New Empire: this Paper is therefore published to Europe at large.

It is not written for the Reading, nor calculated to the Reasoning of British Politicians: it is drawn by a Scale below such Sublimity; its home-spun reasonings will be unintelligible to British Statesmen. A few Copies, however, are reserved for the inferior class of Readers and Reasoners who will understand the Memorialist.

If He could flatter himself that the Statesmen and Politicians of Great-Britain would descend from

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their Superior Regions, and condescend to cast an Eye, or rather a Thought, on such a trifling Paper of such an unexperienced Theorist as the Memorialist; He has only to caution them against patching their politics with the only remnant-rag of their folly that sticks to their backs, viz. an Idea that an UNION with America, or some part of it, is practicable and politic. This proposition, framed into a measure, is the only one left to compleat, beyond redemption, the Ruin of this Country.

A ME-

(.)
and every privilege & right has been
lost, & given up, & sold to the
British to enslave

MEMORIAL

ADDRESSED TO THE
SOVEREIGNS OF AMERICA.

HAVING presumed to address to the
Sovereigns of Europe a Memorial,
stating,

1st, The Combination of Events, as
they stood in fact and operation be-
tween the Old and New Worlds,
between Europe and America;

2dly, Marking the train of consequences
which must have been the Effect of
this combination, and which is in
part arisen into Event by the Es-
tablishment of the Sovereignty of the
American States;

3dly,

3dly, and lastly, Suggesting what that spirit of Policy, and marking what that line of Conduct ought to be, with which the advancing State of things should be met:

Permit me now to address this Memorial to You SOVEREIGNS OF AMERICA. I shall not address you with the Court-titles of Gothic Europe, nor with those of servile Asia. I will neither address your Sublimity or Majesty, your Grace or Holiness, your Eminence or Highmighthiness, your Excellence or Honours. What are Titles, where Things themselves are known and understood? What Title did the Republick of Rome take? The State was known to be Sovereign, and the Citizens to be Free. What could add to this Glory? * Therefore, UNITED STATES

* If it were necessary for the American States to take a Stage-name in the Diplomatic Drama of Politics; to assume for their Title of Address some noun substantive expressive of the Spirit and Virtue which is supposed peculiarly to reside in them;

STATES AND CITIZENS OF AMERICA,
I address You, as You are; I do it under
every sense and sentiment of Reverence to
Your SOVEREIGN STATION; and under a
conscious sense of the distance of my own
private one. And yet, from the relation
which I have formerly borne to the States;
both when [†] I served them under their
command; or myself as captain of both
them; I would address myself to THEIR FREE-
DOMS. This is the peculiar gift of Heaven; this
is the Spirit of their Cause and Establishment. Be
this their Holiness, their Grace, their Excellence,
their Honour: be this their Polity, and they will
establish the Majesty of the American Union, and
will rise into high and mighty States.

[†] The first Public Commission that this Memorialist held, the first of his honours, an honour which he esteems as highly as any that he hath ever since enjoyed, was that of being Commissioner sent from the Province, now the State Massachusett's-Bay, to negotiate an Union of the Forces of Pennsylvania, New-Jersey, and New-York, with the Forces of New-England, in an expedition against Crown-Point, in which negotiation he succeeded, and which expedition gave the first turn to the fate of the War of 1755. He began his course by learning to serve them, and he afterwards so commanded as to obtain the approbation of those where he governed, and the honourable testimony they bore him. Afterwards, in the private station to which he was consigned in
his

command, and after when I commanded—I address You in the consciousness of something above † a Subject, in that of a Citizen. I address you not only as SOVEREIGN States, established and acknowledged; I congratulate You as FREE States, as founded on and built up in the Principles of Political Freedom. I congratulate Human Nature that it hath pleased God to establish an Asylum to which Men of all Nations who wish for

his native land, he invariably endeavoured to serve the Cause of Freedom and Peace; he had the means and took the occasion to become an *efficient spring*, though not permitted to be the *Instrument* of Peace. Born in that part of his Nation which inhabits Great-Britain, but having been employed as a Political agent only within that part which possesses America, he esteems himself, politically speaking, a *Citizen of America*, though by birth a *Subject of Great-Britain*.

¶ I derive my distinction from the Romans: I adopt the precedent from the Commissioners Plenipotentiary of America. The Romans say, *Non in regno Populum Rom. sed in Libertate esse:* and the Commissioners, with the most exact precision, mark, in the provisional Treaty with Great-Britain, the characteristic of those who are *in regno*, and of those who are *in libertate*, by this expression, the “*Subjects of the one, and the Citizens of the other.*”

and

and deserve Freedom may fly, and under which they may find Refuge. In the contemplation of this wish, and in the view of this general happiness to mankind, depending on your establishment, I presume to address this Memorial to You.

Accept with gracious interpretation and condescension my Apology. I feel that it would be an impertinent assumption, nay, that it would be ridiculous, were I to presume to advise the States in the course and practice of Government. The free Citizens of America, whose practice from their youth is in the business of their Township, of their County, of their Country; whose discipline and whole education, whose character, is in constant training to the knowledge and exercise of Government and its powers; will in their reasoning prove more reasonable, in their actions more efficient, and in their political conduct wiser and more *à fait* in the affairs of their *new world* than the first Statesmen of Europe, who have acted on

the stage of the *old one*. A free Citizen, participant of the Sovereignty of his State, who learns and is practised in rotation of offices, both to serve and to command, feels by habit in his mind, as he doth in his animal frame, almost mechanically, and without adverting to the reason at the time, the measure and the movement which every surrounding circumstance calls for. The character, thus acquired, creates in the *reasoning* Agent the self-conscious feel of its natural energy : as the habits of exercise in the body give to the *moving* Agent the animal feel of self-poise. In taking, however, a new station, in standing amidst new and unexperienced relations, the Agent feels the center of his animal poise removed ; he feels somewhat that did not make part of his former self-consciousness : he is, for a time, as it were, on a constrained Balance of Mind and Body. In this situation he finds and feels, that not old habits, but new exertions of discernment ; a spirit of investiga-

investigation and induction; an analysing Spirit applied to new matter, not a compounding judgment on the old, must come forth and act. Under circumstances important, in situations pregnant like these, the American Politician and Statesman, whose training and practice is in a course of experiments, as in the new philosophy, will not refuse to hear any advice which is suggested, will not reject the offers of any service, though he neither calls for the one nor wants the other. Making his experiences in every line of reasoning, in that of others as well as his own, he will frame and found his own resolutions on his own reasons so informed.

The Scene and Circumstances into which your Affairs were brought in the year 1776: and your self-consciousness prompting you to find that you were not *in fact* what political establishments had made you *by law*, a Branch of a family, subject to and dependent on another Branch of the same family as your Sovereigns; but that

you were what nature had wrought you up to, equal brothers of the same family: feeling yourselves driven by necessity to a separation " from the political Bands " which had hitherto connected you, You " found it necessary to assume, amongst " the Powers of the earth, that Separate " and Equal Station to which the laws of " Nature and of Nature's God intitled " you: and therefore Declared, that the " United Colonies of Britons in America, " were and of right ought to be, FREE " and INDEPENDENT STATES."

This, like all other revolutions of Nations, hath been contested by arms. Sweet Love changing its nature turns to bitterest hate; severe therefore and destructive has been the war of Brethren. The appeal was to Heaven: and the success of your Cause is a proof in fact, that the vigour of natural principles must always in the end prove impregnable and irresistible to mere force, however supported: That a System of measures founded in the nature of things,

things, and actuated by the direct rule of Common Sense, must always rise superior to and overtop all establishments founded in the devices of Men, and built up in all the Art and Mystery of Politics: That a Conscious Spirit, which such circumstances inspire, will bear up against and finally bear down all artificial courage of Military Power, howsoever trained and strengthened: That a Cause so founded, so animated, so conducted, will predominate and be established. It hath been the decided will of God, that this your Cause should prevail, and that your Independence and Sovereignty should be acknowledged by the Sovereigns of the earth, now your equals.

As I recommended in my Memorial to the Sovereigns of Europe; so in this now addressed to the * MAJESTY OF THE
PEOPLE

* This expression, which the Memorialist will have frequent occasion to repeat, is justified in the precedent of the forms used in expressing the Sovereignty of the Roman People, as used in some of their Treaties;

PEOPLE of America, the whole argument recommends to their consideration; 1. What the precise change of their System is. 2. What may be the general consequences of such change. 3. With what spirit, and by what conduct the advancing state of things should be met. The investigation of these points can be pursued only by that self-collected frame of mind within yourselves, combined with a plain and sober love of Truth, which will consider well of what spirit you are; which will state Persons and Things as they really exist; and will, in the right Spirit of Sovereigns of a State founded in Political Freedom, treat them as being what they are.

The moment that you became, *de jure* by the Law of Nations, acknowledged independent and Sovereign, equal to other
Sovereigns

Treaties; Majestatem Populi Rom. comitè conservent; and as a common form in their acts of Government; Fit Senatus Consultum, ut Imperium Populi Rom. Majestasq; conservaretur. Cicir. pro Rabirio.

Sovereigns of the earth, and having no reference but to yourselves, was the moment of your greatest difficulty and danger, I have, with an anxious zeal for the liberties of mankind, considered these difficulties and this danger ; and it will be one purpose of this Memorial, to state them, first as they respect the existence, next as they respect the Constitution of this Sovereign.

This moment will show whether the States and Citizens of America are capable of establishing and of permanently maintaining this independent Sovereignty ; are capable of actuating in truth and fact this spirit of political Freedom, first, as it derives from yourselves ; secondly, as it may depend upon your Leaders ; and lastly, as this spirit and this establishment may be affected by those Foreign Powers with whom as neighbours, with whom as Guarantees, with whom as friends by alliances, this Existence stands connected.

It hath pleased God to establish your
Sovereignty

Sovereignty by the force of arms; it hath pleased him to fix the rights of your equal station with the Sovereigns of the earth in the rights of Treaty, and that your Empire should be acknowledged by the Law of Nations: He hath, however, so wrought, according to the usual dispensations of his providence, that you must work out your own salvation. If you are not in your *Principles*, in your *Spirit*, in the *State* of your *Confederation*, in the *Constitution* of your General Government, in the *Powers* of your *Union*, as yet ripe for Political Freedom and formed for Empire, * your *Liberty* is immature, your *Sovereignty* is premature. The first danger is, if you mistake your *Spirit*, if you neglect to build on your real foundation, as it is laid in Nature, or if you raise a superstructure not consonant to it. Examine, therefore,

* Neque ambigitur quin Brutus, qui tantum gloriæ, Superbo exacto Rege, meruit; pessimo publico id facturus fuerit, si libertatis immaturæ cupidine priorum Regum alicui Regnum extorsisset.

therefore, of what Spirit you are: Search thoroughly and survey the Ground that is the foundation of your General Constitution, and, attending soberly in reason, and not in the partial unequal movements of passion, distinguish the operations of Polity which arise by the energy of natural principles, from those which are forced on by art, and constrained by violence against Nature. Follow those principles in the order of your Superstructure: and when the great Machine of Government is formed, actuate it by the Spirit of Freedom as it lies in Truth: Feel, as one soul, the concentered Vigour of Sovereign *Imperium*: feel the self-poize of your natural Station, the Center and balance of your Force; the course and range of your organised energy; the Spring of Activity in your political person: and you will find it no difficult matter to stand firm on the Basis of your Sovereignty: You will experience but little obstruction, at least such as is of little consequence to the exercise

and administration of your *Imperium*. You will feel the meanwhile the expanding powers of your Liberties and Freedom come forward, by a natural vitality, into Fruit, the fruits of Peace, Plenty, and the solid permanent happiness of Being.

These are not words of course; this is not mere harangue: those who knew the States and Citizens of America, as it was my duty to do, and as I did, saw, not from an *ex post facto* view of the Effect as it is now decided, but in the operation of the Causes working to this certain effect, and pronounced, not in vague and general terms of harangue, but in defined specific declarations of leading Facts, that Ye were ripe for Political Freedom; that the foundation of a great Empire was laid; and that it would arise into Establishment. And thus this your Memorialist, in his Memorial addressed to the Sovereigns of Europe, stated you.

That you have united, at the risque of
every

every thing which forms the happiness and existence of Man, to oppose the Measures and Provincial Government of your late Sovereign ; that you have persevered in your resistance to the emancipating of Yourselves from all regal Power ; that you have taken the Government into your own hands : * that you have conducted it with such spirit through so many difficulties and dangers in war, and in treaties, is no unequivocal demonstration to all mankind, that the spirit of freedom and a right sense of Government dwells in the Citizens of America. If, when these Citizens come to the forming of the political establishment of their General Government, an uniform Idea of Self-estimation (each aiming to be that, and no more, than he really is, and all treating

* Non inopie ærariit, non vis hostium, non
adversa res ingentem eorum animum subegit, quin
quod virtute ceperant, simul cum animo retinerent.
Atq; ea magis fortibus conciliis quam bonis præliis
patrata sunt. Sallustius sic scribit de ortu et progressu
Rom. Imperii.

each other invariably as what he is in his individuality) actuates the People; if a temper that equalizes every participant of the Community in the rank and order in which he is a Member of the State, actuates the body of the People; if a jealous guard over the rights, property, lives, and security of the People, interwoven with a conscious Reverence for the Honour of Government; if a heart-felt duty, active in the support of Government, combined with a prompt and active spirit of resistance to every thing which would obstruct or abate its operations, forms the character of the Americans; if this spirit animating the body of the people, actuates their leaders; the State, bottomed on the real and actual foundation as it lies in the Community, will be built up in its Constitution conformable to it;* and the Power of the Govern-

* The reasons why the American Empire will not be liable to the division of interests, and to the

Government and the Spirit of the People will conspire in the Administration of it. This power and Spirit so combined pervades the whole in its reasoning part, and gives spring to the whole in every act of Government. It equally exists in the passive virtue of Obedience, as in the active duty of Command. Liberty will feel the conscious sense of confidence and uniform obedience ; and Government, governing by the lead of the People, will command irresistibly. There can be no contention for, nor acquisition of, unequal Domination in Men ; but the Contest will be (so it was at Rome in her happier days) who shall best promote the interest and honour of the State in serving, or best exert it in governing. On the contrary, where there is a reluctance in the Individual, arising partly from a want of entire assurance in himself and his political situation, and partly from a jealousy

the ruinous contests which took place in Rome, will be given by the Memorialist in that part which considers the Constitution,

of

of those in other situations, to establish such power as is necessary to render the State AN AGENT ; where there is a resistance to the command of all above, and a desire of Domination over all below ; where there is an impatience opposing itself reciprocally to all command on one hand, and to all check and restraint of power on the other ; where that temper operates in the People, or actuates their Leaders, and is mistaken for the Spirit of Liberty ; either the State is not founded on the true basis of the People ; or is not built up in its constitution according to the Frame of the Community ; or there does not reside the true and genuine spirit of Liberty in the Community, operating to Political freedom in the State. Let the Citizens of America therefore enter seriously and in earnest with themselves into the enquiry ; Whether they find within their Community a Spirit of Attraction operating, as an internal principle, to Union ; or whether their Community

Mitnity has been compressed into its present Confederation only by an external cause, and will remain so compressed so long as, and only so long as, that power shall act upon them from without. Those who, at the time of the commencement of these events, knew the character of that People, and watched their conduct, knew that the vigour of natural Principles drew them to resist the unnatural violence of Provincial Government. This Vigour of natural Principles gave Unity, Wisdom, and persevering firmness to their Councils; and the ardour of the Spirit of Liberty gave strength to their own arms, and rendered them impregnable to those of the Enemy. If, examining the temper and spirit of the people, and the Conduct of their Leaders, they find that the same principles continue now to operate from an internal attraction when all external compressive causes are removed; if the same spirit of liberty continues to act, in a perfect reciprocity of those rights, which each

each individual, according to the frame of the community, is entitled to ; if the collective Spirit of these Sources has a direct tendency to form into political freedom, to which all are ready to sacrifice ; the Citizens of America may be confident that their *Liberty is Mature*. They may and will establish the Sovereignty of their States, and the United General Government as Independent and in Freedom.

The train of events, extraordinary as they have been, hath established their *Imperium*, and by the Law of Nations they are acknowledged to be, *de jure* as well as *de facto*, SOVEREIGNS. A second line of consideration, therefore, parallel to the former, leads to the enquiry, What the genuine Spirit of Sovereignty is, and whether it exists as a political Principle in the Community, is combined with the Constitution as a Vital principle of the State, and actuates the administration of the general Government.

If the spirit of Liberty, in a people founded

founded as a State in political freedom, and built up in a Superstructure consonant to the actual frame of the community, inspires that people with a sense of its own security in that foundation, and therefore animates it with that confidence which such principles give : that People will feel, that, as They at large are represented by their elected Delegates, so is the Majesty of the People represented by, and resides in, the Sovereignty, which they have established. They will repose themselves in this as their Palladium ; and will, as Participants and Constituents of the State, trust and give full Confidence to the Supreme Officer or Officers, whether permanent or changing in rotation, who administers and executes that Office, whose Honour, Dignity, Power, and * Amplitude,

* This word **AMPLITUDO**, as used by the Romans, is included under the general Idea **MAJESTAS**, and means pretty nearly the same, or something similar to our English word *Prerogative*. As that word has been applied to a Monarchy, I have
E adopted

tude, is the Representative of this Ma-jesty.

The Word *Sovereign* is a Gothic Feudal term ; it precisely meant the Supreme *Command paramount* over all other subordinate Commands, where those commands, however, were sovereign within their own jurisdiction. It is *Super-regnum inter regna minora*. I hope, wherever in this Memorial I use this Term, to be understood according to the strict definition of the word *Majestas*, used by the Roman State, as the collective idea under which are included and reside the *Jura, Imperia, Fasces, Dignitas, Potestas et Amplitudo Populi Americani*. Under this

adopted in this Tract the term which the Romans used under a Popular Government, meaning a *Fulness of Power*, which should not, in all cases, be defined ; and is best held without definition, so as to exert itself in all cases *pro Salute Populi* ; but which is yet effectually limited where that people, thinking it hath unnecessarily adopted, or in its exertions exceeded that *Lex Suprema*, interposes to check it. *Majestas est Amplitudo & Dignitas Civitatis. Cic. de Orat. 113. Majestatem minuit qui Amplitudinem Civitatis detimento afficit. Cic. ad Heren.*

Idea,

Idea, and under this definition of Sovereignty, the Memorial proceeds to enquire whether there doth actually exist in America that *Majesty of the People* under which, and within which, the rights and liberties, the power and prerogative, the honour and dignity of the States and Citizens are collectively concentered : and whether this is actually so established as to be the efficient Government.

If a right Sense of this Spirit of Sovereignty, thus established in, and combined with, political freedom, pervades the feeling of the people ; is conscious that the collected information and reason of the whole concentrers in this Majesty ; that the combined Force of the whole springs from this Center of Power and activity ; this sense will dwell in the opinion of the people with all that esteem for the wisdom of the *Imperium*, that respect to its Authority, that veneration of its Honour and Dignity, and that *Consensus obedientium* under its power, which

alone forms the principle of the Sovereignty: (I had rather say) the Majesty of the People as free Citizens. On this principle they will establish this Majesty with such powers as are necessary to give it efficiency; for not to feel that they may venture to give full scope and efficient powers to it, is to doubt of the foundation of their own Freedom, is to withhold the real establishment, while they set up an Idol with which to Mock themselves. They will rather give it such AMPLITUDE of power as may enable it, in all cases, not defined and not definable, to secure and promote the *Satus Populi.*

Sovereigns as they are, and are declared to be by the Sovereigns of the Earth their Equals, if they do not form one general Efficient Imperium as the Political Center of the Union, as Representative of the Majesty of the whole Sovereign Confederation; as the executive spring of self-motion and Force in the State; the Liberty, Independence, and Sovereignty of the several

several States will prove exactly such as T. Q. Flaminius, by order of the Roman Senate, affected to restore and to give to the States of Greece; or such as the policy of the same Senate directed Paulus Aemilius to form the four Free and Independent Democracies of Macedonia upon —so independent as to have no alliance of Polity, or intercommunion of Trade with each other. This Memorial will not enter into the detail of this adduced example: for if the reading of the History is not sufficient to awaken a jealous sense of this Situation, Reason will but more tire and deaden that Sense. All, therefore, that will be here done is to recommend to the serious contemplation of the American States, to compare in those examples the measures taken, and the events which succeeded, to their own situation, in an anxious looking to future events. This is said in excess of caution: but One may hope that it is totally unnecessary. If the Memorialist is not mistaken in his idea

idea of the free People of America; He should rather think they will cloath it with such Honours and Dignity, that its Authority rather than its power may be seen, and be willingly submitted to; but they will yet arm it with such Powers as shall maintain the *Imperium*, and bear down all unconstitutional recoil against it.

If this genuine Spirit pervades the character of the People, those amongst them, whom the Sense and Opinion of the People destine to be Rulers, will be trained to the character of Sovereigns, and, when actually cloathed with the Majesty of the People, will feel a consciousness, not of the pride of their own person, but of the Honour and Dignity of the People. Under this conscious sense they will, as the Consuls of Rome did, act the Character of Sovereigns in a higher tone of dignity than Kings and Princes, whose conscious feel of Majesty is centered in their own narrow Selves. They will act

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with

with less pride, but more commanding ascendency ; with less violence, but with greater effect ; with less Craft, but with more Wisdom ; with Truth, Honour, and the real Spirit of Majesty.

If this Spirit of Sovereignty does not reside in the People ; if, through defect of this, the State is not formed to act as a Sovereign with all the Majesty of the People ; this New Sovereign may, like a Meteor in its rapid trajectory, blaze in the Heavens, and astonish the Earth for a time, but will not be found in any uniform revolving orbit, nor become established as a permanent System.

Ostendit terris hunc tantum, Fata neq; ultra
Esse finent.

On the contrary, if they find within the Community the Self-spring of Government ; if they are conscious that they have formed their *Imperium* in this Spirit, and not in the Spirit of Domination ; if they have established their Government, as in political Freedom, so in Amplitude
of

of Majesty, the Spirit of Heaven will answer their call, and inspire their cause. "I have become," it saith, "a glorious diadem to the remnant of the People: 1. Arise, ascend thy high seat: 2. Cloath thyself with thy power: 3. Lift up on high thy Standard to the Nations." Establish your Sovereign Government; Cloath it with the Majesty of the People; and claim, insist on, and maintain, in all its amplitude, the honour and dignity of this Sovereign Majesty with all the Sovereigns of the Earth.

Having examined the nature of the *Spirit of Liberty*, the nature of the *Spirit of Sovereignty*, as forming, when combined in the natural principles of a People, the *Essence* of efficient Government founded in freedom,—this Memorial proceeds to the examination of those relative matters which may, both internally and externally, affect the *Existence* of that Free and Independent Sovereign.

A newly-established State viewed under

under the circumstances of its Birth, and with reference to those relations amongst which it must, in its first years, take its course, will be seen to stand in the same predicament at its first establishment, as Man, the Individual, doth at his birth. Cicero, in treating of the best possible Republic, takes his ground of reasoning from this reference: “*Homo non ut a Matre, sed a Novercâ Naturâ editus est in vitam; corpore nudo & fragili & infirmo; animo autem anxio ad molestias, humili ad timores, molli ad labores, prono ad libidines, in quo tamen ineſt tanquam obrutus quidem divinus ignis ingenii & mentis.*”

It hath not, however, been so with the American States at this their coming forth. They have been in their infancy nurtured and protected by nature as by a mother, between whom and her children there has been the purest reciprocation of maternal affection and filial Piety, until evil counsils broke the tie. Under this relation

F these

these States arose to manhood : all, therefore, which Cicero refers to in his allusion to the birth or first establishment of a Republic, *de corpore nudo & fragili & infirmo ; de animo anxio ad molestias, humili ad timores, molli ad labores* ; all that he refers to as to the wants, defects, infirmities, and weaknesses, of Infancy, doth not apply, either in mind or body, to thoſe States adult in manhood, before they took their station of Independence. * “*They are already hardened into Republics.*” They are come forth in full maturity of age. It is however at an age *prona ad libidines.*

As man in his youth lives under a perpetual conflict of his passions ; so have all States, so will the States of America, at their first emancipation to liberty, feel, in the effervescent temper of their youth, the same tumults in the bosom of the State :

* This is an expression of the Earl of Clarendon in the MS. draught of his plan for sending Commissioners to America in 1664.

they

* they cannot therefore too carefully watch over their hearts, that, while they think that they are cultivating the sacred Love of Liberty, they may not become inflamed with the libidinous passion of Licence. They must in their zeal for the interest of the state, in their exertions of their constitutional share of power in the government, in their natural and not inuseful differings of opinion upon men and measures, keep a constant check over the ardour of young impressions ; otherwise that which should be the natural (I had almost said the mechanical) motion of their agency, will break out in the conflicts of

* What is here said of the *Libidines adolescentis Civitatis* is not the refinement of Theory and inexperience, but the repeated lesson of the greatest and most experienced Statesmen : and in the very manner in which I have here given the caution against those political *libidines*, Cicero gives the like caution in his sixth book de Repub. *Graves enim dominæ cogitationum libidines, infinita quædam cogant atq; imperant, quæ quia expleri atq; satiari nullo modo possunt, ad omne facinus impellunt eos qui illecebris suis incenduntur.*

parties and factions, perpetually tending to establish the interests and domination of men. *Et hæc quasi materies omnium malorum semper fuere.* The lead of America will, by combinations of military subordination, tend in a direct line to the despotism of One ; or, by civil intrigues, and the corruption of the purse, converge in oblique lines to the Tyranny of the Few ; or, by the energy of enterprizing ambition, be wrought into a discordant and repulsive state, which will break all order and dissolve all system. Had this been the case in Rome, *Dissipatæ* (saith Livy) *Res, nondum adulteræ, discordiâ forent, quas fovit tranquilla moderatio imperii, eoque nutriendo perduxit, ut bonam frugem libertatis, maturis jam viribus, ferre possent.* May the same sense of Liberty and Government in the People, the same *tranquilla moderatio imperii* in their Leaders, warm and animate the Spirit of America ! And may that spirit, ardent yet moderated ; that Government, though active,

active, yet not violent; bring forth the fruits of Empire founded in political Freedom, for the protection, peace, and happiness, of mankind, in one portion at least of this Earth.

This Memorial hath stated and explained the operation of the internal self-working Principle, as the first cause of union in Community, which by one common energy of universal attraction creates (as in nature by natural principles) one common center, to which the several energies of each and all tend and conspire. If human nature, and a community of human beings, could be found perfect as to reason, truth, and wisdom; not to be perverted by passions; not to be seduced and corrupted by vicious affections; this attractive principle would alone be efficient to the End of union in Government. This is not the case; God hath therefore been pleased to superadd another cause, arising from the very defects and deprivations of man, which operates from with-

without. This compresses men against their repulsive fears and jealousies of each other, against the repellent temper which frauds, dissensions, violence, and attempts at domination, raise amongst them, by a still stronger compulsive power into closer contact, and mutual alliance for common defence. It is happy for a State, especially for a newly-established State, when this external cause continues to act; and acts to one and the same end in aid of the internal principle.

It is, on the other hand, an unfortunate and dangerous crisis to young and rising States, if the external compulsive cause, which hath been found useful to a State, by rendering internal peace and union necessary, and hath been in that line of efficiency applied as part of the political System, ceases to act. While the Persians meditated or made invasions upon Greece, the several states adhered zealously and most carefully to their confederacy; but in less than fifty years after

after Xerxes was defeated and driven from Greece, the repellent spirit began to show itself in the strife of unequal interest, and in attempts of some to create a Domination over the rest; and issued in the Peloponnesian war, to the total devestation of the Country, and almost to the destruction of the States. In like manner, while neighbour nations of Italy, hostile to Rome, acted upon the State of that City as this compressive cause from without, the wisdom of its Statesmen applied the effect to the restraining and bounding the repellent principle of Discord within. These were at length removed either by conquest or alliances; yet Carthage, the rival of Rome, and upon the Sea the ascendent power, restrained the Conduct of the Citizens of Rome to the necessity of keeping the same guard upon the spirit of Dissention. *Sed quum Carthago, æmula Imperii Romani, ab stirpe interiit, Cuncta maria Terræq; patebant; Fortuna sævire & miscere omnia cœpit.*

Qui

*Qui labores, pericula, dubias atq; asperas
res facile toleraverant, Iis otium divitiæ,
optandæ aliis, oneri miseriæq; fuere. Igitur
primò pecuniæ, dein imperii cupido crevit,*
&c. In like manner, now that the *Im-
perium* of Great Britain resides no longer
within the Empire of the United States ;
now that the British Nation is removed
from within the Dominion of those States ;
now that the States dwell almost alone
on their great Continent, and are abso-
lutely the Ascendent Power there ; if the
true *spirit of liberty*, as above described,
and the *genuine spirit of Government*,
does not act by the internal attractive prin-
ciple of Union strongly and permanently
in proportion as the external compressing
cause of confederation is removed, the
Americans will experience the same Fate
and Fortune, and be driven, by the
same miseries, to the same ruinous distress
which the States of Greece and the
city of Rome had wretched experience of.

It is, however, peculiarly happy for

the American States, whatever be the force and temper of this internal principle with them ; that an external compressive cause is not wholly taken off. When they consider the difficulties which they will have to render *the line of Frontiers* between their Empire and the British Provinces in America a *line of Peace* ; when they experience in fact and practice the difficulties of preserving it as such ; when they speculate upon the almost numberless, and, at present, nameless, sources of dispute and contention, which may break out between them and Spain ; when, in the cool hours of unimpassioned reflection, they begin to be apprized of the danger of their very * Alliances ; they will see that this compressive cause does not cease to act. Every friend to their peace, liberty, and happiness, must hope that they will so see it, that their States-

* Guaranties have a right to interpose, and may assume a right of becoming *Arbitrers*.

men may attend to improve the effects of its operation, and to profit of this bitter but saving providence. If they improve the feelings which the States will from time to time experience of danger to the interest of the General *Imperium* from external force, so as to work the impression, which fears of that external power creates, to a permanent habit of union and confederation, as a principle of their Empire, never to be remitted, diminished, or departed from for a moment, * these States will derive internal Union and Stability to their Government from those very dangers, or the fears of those dangers, which threaten it. If, on the other

* This was the invariable Policy of the Patri-
cians and Senate in the early days of Romē. Si-
milem annum priori Consules habent. Seditionā
initia bello deinde externo tranquilla. Ea res
maturam jam seditionem ac propè erumpentem
repressit. *Liv.* I. ii. § 63 & 64. Bono fuisse Ro-
manis adventum eorum constabat; orientemq;
jam seditionem inter Patres & Plebem metu tam
prōpinqui belli compressam. *Lib.* vii. § 12.

hand,

hand, it should unfortunately become the system of their Politics, that, divided into parties, each ascendant party of the time should, by reference to, and the interposition of, those external powers, aim to strengthen *their own* interest, the state may retain its sovereign Station ; but their own Rulers will scarcely be the Sovereigns : the Reason of State will be no longer its own reason ; and its Liberty will, even while it seems to act in all its forms, be bound down by the predestination of External Powers. The several States, or several Parties in the States, instead of coalescing by one uniform general attraction to the common center, will become like the blood of life in a fever, clotted into partial diseased coagulations of faction, having the most violent repulsion amongst each other. This Memorial will not enter into this topic further than to recommend to the Citizens of America, not only to read, but to compare, with what may be their own even-

tual case, the effect of this sort of reference, as it shewed itself amongst the States of Italy during the time that Rome and Carthage were Rival Powers in that country. * *Unus velut morbus invaserat omnes Italicae Civitates, ut Plebs ab Optimatibus dissentirent: Senatus Romanis faveat; Plebs ad Pænos rem traherent.*
 † The same malady seized the States of Greece. Factious within themselves, the Minor Party had reference to foreign interest, and sought to strengthen each their own Faction by the aid of the enemies of their Government. They applied first to the Persian Grand Monarch; in the next period, to Athens and Lacedæmon alternately, as the Aristocratic or Democratic Faction prevailed. This also well deserves the consideration of the United States of America, as to the point of reference which future parties amongst them may make to foreign aid, to French or British Power.

* Livy. † Thucydides.

This

This Memorial might here enlarge on this topic of foreign politics, as they may train between Great Britain and the United States : it would be a needless presumption, so far as respects the American Statesman ; and would not, I am sure, as nothing of the kind ever yet has been, be of any use to British Statesmen. It might enlarge on this subject as it respects the States with reference to their intercourse with Spain ; their Alliance with France ; their Treaties with the United Belgie States and * other powers : but, perhaps, the Statesmen of America, under the impressions and predilections of their newly-formed friendships, may think the eventual State of things, which it would describe, to be visionary and *en l'air*, and may hold the considerations thereupon, which it would recommend, as the mere

* The Memorial will mention in another place Indian Politics, as they respect this new Empire of America.

theoretic

theoretic essays of an unemployed and inexperienced man. This Memorial, therefore, will only repeat what the Memorial addressed to the Sovereigns of Europe stated as a maxim (rather a fundamental Principle) of American Politics : " That
 " as Nature hath separated her from Europe, and hath established her alone
 " (as a Sovereign) on a great Continent,
 " far removed from the Old world and all
 " its embroiled interests, * that it is contrary to the nature of her existence, and
 " consequently to her interest, that she should have any connexions of Politics
 " with Europe other than merely commercial ; that she should be a FREE
 " PORT to all Europe at large, and in reciprocity claim a FREE MARKET in
 " Europe ; and that she should have no commercial treaties with any European
 " Power partial to such power and exclusive to others ; but that she should

* Common Sense,

* give

" give and enjoy a free Navigation and
" an open trade with all."

Fundamental Principles similar to these, although they may not have been able to prevent her from forming some connexions, some alliances, may yet, if a system of Politics is founded on them as decided maxims of State, and invariably and uniformly pursued, preserve her from the entanglements in which she might be otherwise involved, and guard her against the dangers which the consequences of those connexions may lead to. Although a bold and daring, or a lucky stroke, may succeed for the hour or the season, or in the transient small affairs of Individuals; yet *nothing but System*, as it arises from the nature of the State, *will be efficient* to any permanent purpose; to an Empire nothing but system, even in the line of defence, will guard a State against, and repel the attacks of Fortune. The most daring Fortitude, the most active courage, unless it hath such foundation, would be-

come

some folly and madness, and only ruin a State with more *eclat*. There is something in Fortune which mixes itself in all Human affairs, and which perplexes and obstructs, if it does not actually command, Events. Fortune, although generally considered as an operation of chance, is not, and cannot be, any thing else but the ordinary course of natural and human events. It is a Combination arising from remote or hidden causes, from circumstances unobserved, from influences not understood, from innumerable and imperceptible *minutiae*, which yet, combined, are causes equal to every effect that is produced. These remote, hidden, and imperceptible causes are not, and indeed scarce ever can be, considered by men: the effects, therefore, are in Event before the causes are seen, if they are ever seen afterward. Fortune, therefore, (as men usually express themselves,) mixes itself in all human affairs, and generally commands. The acutest foresight, the firmest

firmeſt ſpirit, if acting and exerted *only on the occation*, can neither guard againſt nor teſiſt its Force.

*Quid Quifq; vitet, nunquam Hominiſi satis
Cautum eſt in horas.*

No temporary reasoning, no temporizing State-craft, applied only to *occasions*, can either be aware of or prevent her ſtrokes; nor will the moſt inexhaustible fund of reſource, or the moſt habile application of remedy, relieve men under the maladies which ſhe brings upon their affairs. System alone, as it founds itſelf on the nature of things, and the nature of man, eſtabliſhed in fact and truth, and uniformly purſued with ſpirit, can be adequate to the administration of the affairs of a State. A System of this ſpirit and temper in the Rulers will, if there is a ſpirit in the People corespondent to it, command Fortune. In this ſpirit of ſystem; and not in a ſuppoſed predeſtined Fate, did the Fortune of the Roman Republic conſiſt.

Hinc omne Principium, huc refer Exitum.

H

A line

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firmeſt

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Cautum est in horas.*

No temporary reasoning, no temporizing State-craft, applied only to *occasions*, can either be aware of or prevent her strokes; nor will the most inexhaustible fund of resource, or the most habile application of remedy, relieve men under the maladies which she brings upon their affairs. System alone, as it sounds itself on the nature of things, and the nature of man, established in fact and truth, and uniformly pursued with spirit, can be adequate to the administration of the affairs of a State. A System of this spirit and temper in the Rulers will, if there is a spirit in the People correspondent to it, command Fortune. In this spirit of system, and not in a supposed predestined Fate, did the Fortune of the Roman Republic consist.

Hinc omne Principium, huc refer Exitum.

H

A line

A line of conduct drawn amidst the nature of things, and according to the nature of man as connected with them, is, in Politics, what the moral habit of harmonized temper, actuated by uniform Reason, is in man. A System, even the wisest, may, as all human affairs are liable to the effects of external things, be struck by the attacks of Fortune, may not be invulnerable to her strokes; but if it be such as this Memorial states that it should be, "Ἐργον εἰς αἰτια, and not *in horas*, they will strike it fearless; they will strike a breast thoroughly prepared to bear up against, and finally to repel its effect. Such a System, in the great and arduous affairs of men, flows through the ever-varying series of Events, like a large and copious river through the varying regions of the earth. Its Greatness is not affected by small accidents or incidental chances. The floods of the mountains may pour down in torrents that shall disturb and foul its waters for a season, but it holds its course, and as it flows, purging

ing off all noxious mixture, clears again to the original purity of its element : the scorching drought of heaven may draw off much of its waters, but the abundance of its original and internal source is superior to such external diminution ; and it still holds on its course, in one uniform tenor, equal to all the purposes for which it flows :—it may be precipitated into rapidity in one part of its stream, it may be checked in another; it may be drawn winding through this vale, or forced to make a circuit round that mountain ; but its general Course flows uniform to itself, conform to the nature of the country it passes through, and maintains that general direction which its Issue bears to its Source. The conclusion upon the whole is, that, if the New Sovereign Republic of America hath the right conscious sense of *natural liberty and political Freedom*; if it is animated with, and actuated by, the genuine *Spirit of efficient Sovereignty*; if it hath had the wisdom to harmonize itself within according to

this Spirit, and to form *a grounded and permanent System towards All without*; secured against itself, armed against the Strokes of fortune, and guarded against the malignity of Man; it is established as Nature herself, and will Command: one may not only wish, but as of Nature herself one may pronounce

ESTO PERPETUA.

The Memorial having stated what seemed necessary to the consideration of the Essence, Existence, Efficiency, and assured Permanency of a Republic newly emerging to Independence and established in Sovereignty; it now proceeds to consider matters of Constitution. The Memorialist feels that it would be impertinence towards an American Citizen, and knows that it would be useless and ineffectual to an European Statesman, to enter into the discussion of the particular Constitution of each individual State. The Citizens perfectly know their own Business; and all the force of reason and experience combined will never make the

the

the perverted head of an European, especially a British Statesman, comprehend the Spirit of them. These constitutions are what have wrought the States to Freedom, Independence, and Sovereignty. They are the best that can be at present ; and should there be any thing which in future times and circumstances might require a change, there is in these States, as in the animal œconomy, *a healing principle* which will work * itself right.

This Memorial will therefore proceed to consider, in general, as they lie in Nature, *the grounds* on which the General Confederation and Sovereignty stand ; and *the principles* by which its Structure and Constitution must take its Form, be that Form whatsoever it may hereafter be.

The principles by which the System of America is animated and actuated, arise from the actual and unconstrained nature

* The operation of this is actually provided for in several of the Constitutions of the States, by the establishment of a Census, and other means.

of Things, and from the unperverted, unoppressed nature of Man. They are not such Principles as the Political System of this or that State permits to be called Liberty. The Liberty of the People of America is not merely that share of Power, which an Aristocracy permits the People to amuse themselves with, and which they are taught to call Liberty. It is not that Domination with which the People govern in a Democracy, and therefore call Liberty. It is not that share of Domination which a political Monarch throws into the hands of the People, in order to ally their power to his Force, by which to govern the Aristocracy. The genuine Liberty on which America is founded is totally and intirely a New System of Things and Men, which treats all as what they actually are, esteeming nothing the true End and perfect Good of Policy, but that Effect which produces, as equality of Rights, so equal Liberty, universal Peace, and unobstructed intercommunication of happiness in Human Society.

Every

Every Inhabitant of America is, *de facto* as well as *de jure*, equal, in his essential inseparable rights of the individual, to any other Individual; is, in these rights, independent of any power that any other can assume over him, over his labour or his property: This is a Principle in act and deed, and not a mere speculative Theorem. He is his own master both in his reasoning and acting; so far as respects the individual, he is at perfect liberty to apply his power as he likes, to labour in any line, and to possess and use his property as his own. His property is free from any tenure or condition that may clog, obstruct, or divert the fruits of that labour which he hath mixt with it.

There are not in America any Baronial or Manerial Dominations of the lesser but more cruel tyrants. There are not in this Land of Liberty any Feudal, any Personal services, which may be claimed by a Landlord from the Landholder, whether Prince, Baron, Clergy, or Body Corporate: There are no Fec-farm Rents

or

or Tythes to be paid ; there are no destinations, either of the Residence or Labour of the Landworker or Mechanic, which in the Old World are assumed as refinements of Polity : neither as a Labourer, nor as a Landworker, does the American ever find himself crossed upon by any of those self-obstructive Policies, which have been the bane to Industry, and blasted the fruits of labour in Europe. He meets nothing which represses him back, or excludes him from rising to that natural importance in the Community, which his ingenuity in his manual labour, or his improvements in his landed Property, must of course, unobstructed, give him. The power which derives from property in America arises in proportion to the activity which is mixt with it by the possessor ; and in the hands of those who do thus actuate it, it assumes its weight, and relative place, towards the common Center, so as to render this active Proprietor every day a more important Citizen.

There

There is another Right of the Individual, which the perplext and mixt policy of Europe has broken in upon, and which yet no civil Polity can have cognizance of; and seems to have, as no right, so no pretence to interfere in: that is, where government assumes a regulating direction over the natural affections of the Sexes. In America, Love and Liberty go hand in hand; and each individual forms those connections which nature and the heart point out. Marriage there is a Civil Contract, which is contracted, remains obligatory, or is dissoluble, just as any other Civil Contract is. This Memorialist knows of * no civil act of State in America which hath ordained any thing to the contrary. The Americans do not as is done in the Mother Country, First state in their Theology, that *Marriage is*

* The Memorial does not enter here into any of those ideas which those marriages that use the forms of the Church of England or of Rome may take up.

no Sacrament, and then continue it in their law and their Police, as an Act of God, which no Executive human Power can disannul. Marriage in America is formed directly to answer the two great ends for which the two Sexes come together, Private personal happiness, and the propagation of the Species; both which ends are really answered in the fullest and to the most perfect effect. Every Wife there is herself a fortune; and the Children are riches to the parents.

The Right of private conscience in matters of Religion is one of those rights which are essential to the individual, and which he cannot alienate or even abate. This is a matter of which Government can have no cognizance, in which it can have no right to interfere: and yet, in the Old World, *this internal impression of the mind of the Individual*, as though it were *an overt of the Citizen*, hath been treated as an Object in which Government

vernment is supposed to be most deeply interested. On the contrary, the System of the New World considers Religion as an internal act of the Mind towards God, by which Man endeavours to raise up to himself the most perfect notion he can of the Supreme Being, and of his attributes, in order to form his Conduct in moral conformity thereto ; also as an act of the mind, by which the internal Man addresses himself in prayer and praise to God, in that way which he thinks most suitable to the Divine Being, and the most efficacious to the obtaining of what he presumes to ask in prayer. This Right therefore exists in America, inviolate, and in perfect liberty.

Another and essential part of the independent political freedom which the American System enjoys is—that it is, as a State, in no wise under the Superintendency of any Ecclesiastical *Imperium* in any shape whatsoever ; that it knows no such Solecism as that of the same indivi-

dual Citizens being the component parts of two distinct communities formed under two *distinct imperia*.—There is no mixture of any such materials at its foundation; there is no such Frame in any part of its Structure.

The Inhabitants of the Old World, both those who lived under the false Religion, as those also who dwelt under the manifestation of the True, had universally their Civil Polity directed in its conscience by the superintendence and guidance of a Body of Men supposed to be endued with more than human wisdom, and who seemed to have the power of reward and punishment beyond the extent of human power. With the Ancients, before the time of the Manifestation of the True Religion, Religion was neither more nor less than a State-Engine, framed and worked, under the direction of the Chief Magistrate, by the hands and management of the leading Statesmen, to the purposes of the State.

It

It was a Creature of the State. The Christian Religion, a Religion of Spirit and Truth, whose Kingdom was not of this world, whose end and object was in another and future State (for which this life is a preparatory training), was totally abstracted from all Politics, from all Administration and Government of the things of this world ; and had no other concern therein, but to render unto Cæsar those things which are Cæsar's, and to be obedient to the higher Powers : yet so it hath happened (I suppose the divine Teachers of this religion found it necessary), that, when they established their System, as an outward visible form, they formed an intermediate temporal Community and *Imperium*, both ecclesiastical and civil, in and over the things and Persons of this world : and, feeling themselves as an independent distinct Body politic, assumed either an ascendant superintendence over the Civil Community, or put themselves in the predicament

cament of having formed, on original compact, an alliance between the Church and the State. The State of Europe (it may be said, of the whole Roman Empire) at the first origin of Civil Governments under the Conquerors of that Empire, was such as naturally gave birth and scope to this System. The commanding paramount powers of the Great, and the several *imperia* of the lesser Commanders, who had over-run and held in Subjection all Europe, were merely Military. The idea of Government, other than that of military discipline within their Camps, Cantonments, and the Posts of their respective armies, entered not into their System. These People had no idea of civil government as necessary to be co-extensive with the predominant military *Imperium*. They considered all civil polity as mere matter of œconomy in a family, clan, or horde; as mere subordinate arrangement of the community of any people or nation; which the body could best settle for itself,
and

and be best answerable for. Of what form this was, or how administered, was matter of indifference to these Commanders. This civil line and field, therefore, was opened to all Institutors of Politics, who could acquire ascendency sufficient to establish themselves under the auspices of the military.

At this period the Human Species in Europe, howsoever trained and disciplined to, howsoever exercised and expert in war, could, as to political civilization, scarce be said to have emerged out of their Savage State. The Missionaries of Rome were sent out amongst these, to teach them the arts of social life, to civilise them, and to convert them to the Christian Religion. These Missionaries (I mean some of the first) had deservedly great merit with them, and acquired thereby an almost absolute ascendency over them : they became their Farmers, Mechanics, Artists, their lawyers, their judges, their Law-givers, their guides, and the directors of their opinions and consciences. Whatever Polities,

Polities, therefore, grew up amidst these thus first civilized Europeans, were interwoven at the root, and grew up interbranching with ecclesiastical Government, so as not to be separable from it. The lands and property of the ecclesiastical society (however obtained) came forward into improvement and fixed property, co-eval (if not in a leading line) with the property of the Civil Body, and, as it were, allied and intermixed with it. In the European States, therefore, the Ecclesiastical Rights, Property, Polity, and *Imperium*, became, from the earliest periods of Civilization, an essential, inseparable part of the Constitution. Whatever may be the abstract truth in civil Polity, taken *a priori* in its original principles; whatever may be the opinion of men in these days; the fact and invariable precedent is, that in Europe the ecclesiastical *Imperium* or * Church is an indefeasible part of the

* "The Clergy of England have a Zeal for the
"Church of England; but they have a greater Zeal
"for

the State. And every loyal subject of these States will be, at least ought to be, a zealous maintainer of this United or allied establishment of Church and State.

It is not so with the Americans, and the system of America. They were not thus civilized by ecclesiastical Missionaries. No Church power was their foster Parent. The Original Constituents of these States were in a perfect state of Civilization, in perfect independence and freedom, at the establishment of their Civil Polity. An ecclesiastical Body, as a separate Community from the Civil Community, and yet formed of the same individuals, would have appeared to them as a Chimera. The System in which American Polity is built up stands independent, and is free from those heterogeneous mix-

" for the Church of Christ : there are Few of them,
" I hope, who scruple professing a Wish, that the
" pure banner of the Gospel may, if need shall so
" require, be displayed triumphant on the ruins of
" every Church Establishment in Christendom."
—A Letter from the Lord Bishop of Llandaff, to
his Grace the Archbishop of Canterbury, p. 3.

K tures,

tures, which always more or less * obstructed each other, and which drew into crookedness and obliquities the free and natural Energy of Both. The Americans have no one Form of ecclesiastical system, or Church established as *the Religion of the State*; they have *no landed clergy*; no Church Revenue derived by a transfer of the slavish Tax of Tythes from the State to the Church: their lands were never *Agri Decumanni*. They do not apply Religion, as was the case in the false religion, as an engine of State; but considering it as *what it is*, they make the proper distinction which its divine Author made: they give unto God the things which are God's; and unto Cæsar [*i.e.* the Civil State] the things which are Cæsar's. In this they have no part to take, but to

* The purity of Religion equally suffered by this worldly alliance of the Daughter of God with the Child and Creature of Man; as Civil Government hath done by the Constraints with which this high-spirited Dame on earth hath bound the energy of its Freedom.

follow

follow God and Nature in the direct right line of Truth.

The System of the American Community lies in Nature: from natural causes there is now, has been, and most likely will continue to be, a general equality, not only in the Persons, but in the power of the landed Property of the Inhabitants. This Basis of the superstructure is uniform and level; the *Res Populi*, the *actuated Rights and Interests* of the People, is every where equally attended to, and is in all points coming forward (if I may so express myself) in parallel lines into operation. This equal level of acting powers and actuated property, lying thus in Nature, becomes, by the vigour of natural principles, the Basis of a Free Republic. This is the grand *Desideratum* of all the ancient Legislators and Instituors of Republics. They saw the necessity that there was of an exact conformity between the Constitution of the State, and the *Species of Individuals*, the *form of the community*, and *nature*

of the basis on which such State must be founded. No such Basis was there found in nature ; they therefore tried a thousand different projects to form such in Art. They forced Nature. Not finding the natural situation of men to be what it was necessary to the System of their Polity it should be, they endeavoured to make it what it never could be, but under force and violence done to nature. They destroyed or perverted all Personal Liberty, in order to force into establishment Political Freedom. While Men were taught by pride, and by a prospect of Domination over others, to call The State Free, they found themselves cut off from, and from the use of, many of the essential inalienable rights of the Individual, which form his happiness as well as freedom. So far from finding themselves free, they felt themselves mere machines. All this was done and suffered, to obtain (which yet they never could obtain) that natural equal level Basis on which Ye, Ameri-
can

can Citizens, stand ; on which Ye, United States of America, are built up, in a manner that combines the perfect possession of the rights of the Individual, Personal liberty, and Political Freedom.

Here, UNITED STATES AND CITIZENS OF AMERICA ! look back on the peculiar blessings, on the special favours, on the singular happiness, in which Providence hath been pleased to establish your System ; to which he hath seemed to select you, as a chosen people, in a New World, separate and removed far from the regions and wretched Politics of the Old one. Consider this well, not only in the conscious feel of the happiness which you yourselves enjoy, and which it is your Duty to deliver unabated over to your Children ; but in the sincere sense of gratitude which Heaven demands of you. Manifest this in the conduct and Administration of your Sovereign Powers, while you establish, as constitutional maxims in practice, those Truths which form

form the principles of your System.—*Serendi Sunt Mores.*—I do not here mean a new cultivation: for the Manners and Spirit of the Americans have been, uniformly, what just such a state, such a System of Things would inspire; and their political Character, just that habit of Conduct which is conform to it: a character, which looks to rights of perfect freedom as the first object and end of man as a Citizen; that estimates all men as equals; and is no respecter of persons, but according to their place in those orders and subordinations which the State gives, and which therefore respects the office, not the man: a character that knows how to estimate the Majesty of the People, and the *Imperium* of the State; and honours and obeys it for real conscience sake: a character by which each individual considers himself as a * Participant with his fellow Citizens, and a Commu-

* Ad participandum alium ab alio, communicandumq; inter omnes. *Cicero de Leg.* Lib. i. § 11.

nicant

nificant in the Whole ; and therefore feels, as a self-conscious feel, an unaffected, inartificial, natural Love for his Country, combined with a prompt and ardent zeal for its Service. It is this spirit and this Character, which hath wrought You up to the independent Free Sovereigns which you now are. When, therefore, this Memorial presumes to advance this proposition, *Serendi sunt Mores*, it means that the same Culture of Political Character be regularly continued ; that the same Sense of Your System, the Same Spirit of Liberty, the same manners may remain unabated, unaltered, undepraved, to form and animate the same Character ; for on Customs and manners, more than on Laws and Imperium, depends the fate, the fortune, and the existence of a State. And may this, many ages yet to come, not only be said of You, but be true, which Ennius said of Rome :

* *Moribus antiquis Res stat Romana, Virisq;*

* It is impossible that the import of the truth and wisdom of this proposition can be too strongly impressed

That, thus founded in Nature, and thus built up in Truth, Your States should arise to Independence and Sovereignty in the very spirit of Political Freedom ; that, under a system so entirely new upon

impressed on the mind of a free Citizen of America; and lest the quotation of it above should not make a sufficient impression, I cannot but here insert—Cicero's Commentary on it.—*Quem quidem ille [Ennius] versum, vel brevitate vel veritate, tanquam ex oraculo mihi quodam esse effatus videtur. Nam neq[ue] Viri, nisi ita morata Civitas fuisset, neq[ue] Mores, nisi hi Viri præfuerint, aut fundare, aut tam diu tenere potuissent tantam, & tam longè latèq[ue] imperantem Rempub. Itaq[ue] ante nostram memoriam, & mos ipse patrius præstantes Viros adhibebat, & veterem morem ac majorum instituta retinebant excellentes Viri. Nostra verò ætas cum rémpublicam sicut picturam accipisset egregiam, sed jam evanescentem vētustate, non modo eam coloribus iisdem, quibus fuerat, renovare neglexit, sed ne id quidèm curavit, ut formam saltem ejus, & extrema tanquam lineamenta servaret. Quid enim manet ex antiquis moribus, quibus ille dixit Rem stare Romanam? Quos ita oblivione obsoletos videmus, ut non modo non colantur, sed etiam ignorantur. Num de Viris quid dicam? Mores enim ipsi interierunt Virorum penuriâ. Cujus tanti Mali non modo reddenda Ratio nobis, sed etiam tanquam Reis capitî quodammodo dicenda causa est. Nostris enim Vitiis, non casu aliquo, Rémpublicam verbis retinemus, reapsa vero jampridem amissimus.* *Ciceronis de Repub. Lib. v. Fragm.*

Earth,

Earth, your improvement should continually so expand ; that your population should so increase and multiply ; that a Civilizing activity, beyond what Europe could ever know, should animate and actuate your progression ; that your commercial and Naval power should be found active in almost every quarter of the Globe ; that your Military power should be equal to the defence, and your political wisdom adequate to the establishment of your Sovereignty, is and was but a natural Consequence in the ordinary train of Causes and Effects. It was due and just to you thus to state You to the Sovereigns of Europe ; and there was no advice so good could be given to them, as *the Stating of this simple Fact*, so little understood in the Old World. The Memorial addressed to these Sovereigns stated it without reserve or disguise. This truth was at first treated as unintelligible speculation. It was unfashionable ; it was neglected where it was not rejected, but in general it was rejected as inadmissible : by degrees it entered into

the reasoning of many an individual ; and when it was in various translations expanded in Europe, it was found insensibly to have mixed itself with the sentiments of many a Statesman, and at length reached the ear and penetrated the heart of some Sovereigns--lastly, those of the Ministers and Sovereign of Great-Britain. This truth, which had been for some years considered as a Proposition not to be listened to, not to be suffered to be mentioned ; for the enouncing of which (although * in the line of his duty) the Author was called, by the Wise Men of the British Cabinet, a *Wild Man*, unfit to be employed ; yet this Truth became, in about a year and a half, demonstration not to be resisted, and an universal idea of Europe. *Magna est vis veritatis, & prævaluit.* Great-Britain reaped the fruits of the wisdom of its ministers ; and Truth and Right were established in peace.

* In his Speeches in Parliament, on December 2, 1777, and March 17, 1783, wherein he recommended the making a Federal Treaty with America.

This

This Memorial will now proceed to state the System of America so far as relates to the formation and constitution of the General Government of the Confederated Sovereignty of America. * " Neque prorsus diffidere debo, quin possim de hac re fortasse, non imperite nec in utiliter differere; utpote qui longa + experientia edoctus, & per tot munera "

" &

* *Bacon de augmentis Scientiarum.* Lib. iii. Cap. 8.

+ Especially in this point of Policy, the grounds and reasons, the ways and means, of Union and Confederation between States, such as the Free ones of America.

This Memorialist was at the Congress at Albany in 1754, and cognizant both of the measures and the reasons of the measures adopted there.

He, as a Commissioner from the Province, now the State Massachusett's-bay, in 1755, negotiated with New-York, New-Jersey, and Pennsylvania, the Confederate expedition, in union with New England, against Crown Point; and Succeeded.

And, lastly, when he was Governor of Massachusett's-bay, he formed, in 1758, a Plan of an Union of the Provinces, Colonies, and Plantations, of New-England, for their mutual Protection and Defence against the Common Enemy, which was actually concerted and settled by Commissioners from Massachusett's-bay, and the Commissioners of the Colony of Connecticut, convened at Boston:

“ & honorum gradus ad amplissimum
 “ [Coloniarum] Magistratum eyectus fu-
 “ erim, eundemq; magistratum per annos
 “ quosdam gesserim.”

The Memorial hath explained in what manner and by what principles the System of America stands on the natural basis of a Republic. The describing how it is built up in its *Frame* in conformity to this foundation, is coming to the point of *Constitution*.

The People at large in the multitude are in a natural incapacity of exercising their Reasoning powers; and very inconveniently situated and circumstanced to give by every Individual their Judgment and Result. There is no regular way of collecting the wisdom and sense of the People as a Community, but by some delegated representation, to such numbers as may be in a capacity of Reasoning and

to which the Province New-Hampshire, the Colony Rhode-Island, and Providence Plantation, were invited to accede.—The change of Men and Measure in the Military Comind in America which took place that year, rendered this measure unnecessary, and it was laid aside.

Debate;

Debate ; * and no means (some cases excepted) of collecting the sense of the whole, but by delegation of power to a part to give the dissent or consent for the whole. If the People, as in America, are in the full and perfect use and enjoyment of their equal Liberty, they will, as in the ordinary process of their operations, form their own actual Representation ; they will naturally find out where the wisdom of the Community lies, and will delegate their power of reason and debate to that part. They will find out almost mechanically to whom and in what manner they may delegate the power of giving their Dissent or Consent, and of converting the Wisdom of the State into the Law of the Land.

This is the *Actual State of America.*
The universal sense of the People is collected, and operates in Debate and Result on the universal interest of the People.

* A Popular Assembly, rightly ordered, brings up every one in his turn to give the Result of the whole People. *Harrington's System of Politics.*
Chap. v. 24.

This

This is the existence by nature, and in fact of a republic, *Respublica est Res Populi.* Populus autem non omnis Cœtus multitudinis, sed Cœtus juris consensu, & utilitatis communione sociatus.

Exactly as the several separate States are formed on this System and by these principles, so is the general Confederation by the establishment and Constitution of its Government. The Reason of the whole is delegated to, and the Wisdom of the whole is concentrated in, the Congress. And this Institution arises from those principles, and by those operations, which actuate a Free Republic: The Liberty of the People, manifested by the sense of the whole, coincides, co-operates, and exists in it. Neither the opinions of assuming Leaders, nor the intrigues of caballing Factions, will be found there, or at least will not survive a moment. The Sense of the whole is what must predominate, actuate, and govern throughout, in all opinions, in all measures of effect and permanency. In Great Britain, where the Members

Members of Parliament do not come together as representing the Sense and reasoning of the People at large ; they must have some time to form their own opinion. A certain leading Judgment does this for them ; and as often as this leading judgment changes its opinion, these Members, or a majority of them, will be found to have changed their opinion in all extremes of contraries. This instability hath, and will ever attend them, although members of a permanent Body ; while the Congress, an annual institution, consisting of many new Members at every re-election, hath in its opinions, its resolutions and measures, manifested a degree of united firmness, a continued uniformity in opinion, and unalterable perseverance in a System of wise and effective measures. The true and real reason of this is, that this System was the decided, determined opinion of the Body of the People, whom those Members of Congress *really represented*. Experience has confirmed what Wisdom saw before, that there

there could not be a measure more surely grounded than this Institution by which the Confederation acts in Congress. If it be viewed arising from the actual State of things and Men, and by the natural energy thereof, it will be seen that there could not be a measure more judiciously, more politically constituted, to actuate the reason, to collect the Wisdom of the Union, and to bring it forward into action. There cannot be a stronger proof of the Temper, Prudence, and assured confidence, which the People have in the foundation of their Liberties, than the entrusting in delegation the great and extensive Powers with which they have invested Congress; nor can there be in any Rulers a greater Merit with the People, than the Spirited yet cautious, the Liberal yet guarded Use that these Members of Congress have made of them.

The ordinary mode of administration into which General Councils distribute themselves, is, by the Members dividing themselves in several Chambers or Boards,

Boards, according to the several branches of business to be done, and erecting these into separate Offices. The Deputies of the States of the Belgic United Provinces formed themselves into three Councils; the Council called the States-General, the Council of State, and the Chamber of Accounts. The Command of the Army and Navy, which might have divided them into two more departments, were vested in the Counts or Stadtholder of each Province, as Captain General and Admiral. These Offices always have either too little or too much power, and are, in the one extreme, inefficient to the purpose of administrative power; or, in the other, form dangerous precedents against the equal balance of power in the Constitution of a Republic; or create distraction, opposition, and interfering obstruction, in the Commissions and other delegated powers which act under each department. The Administration of the business of the Government of Great-Britain by such Boards, gives daily proof of this. The Prudence, Experience, and Wisdom of

M Congres,

Congress, have avoided the forming of any such Offices, Boards, or Chambers : They from time to time appoint such Committees, with such powers, as the emergent case may require ; or such standing Committees as a permanent course of Affairs in any one line may render necessary ; which Committees, while they continue, may apply to Congress from time to time for such further powers as may become necessary. This application will give Congress a proper opportunity of revising the business, and of considering, whether they will grant further powers, or whether the business doth not become of such importance as that they should take it into their own cognizance and management. This is a much wiser mode of casting the business of an Administration of a Republic. It is, indeed, a line of conduct that is peculiar to, and distinguishes the wisdom of, Congress.

The Memorialist takes now the liberty which, as a Citizen of the World, he feels he hath in him, that of giving his opinion even

even where he presumes to doubt upon any measure of Congress. By the fifth section of the eighth Article of the Confederation, "the States assembled in Congress shall have authority to appoint a Committee of the States *to sit in the recess of Congress.*" Experience is derived from comparing one measure and its consequences with another, that being similar may have similar consequences. "The States General" (saith Sir William Temple, in his Treatise on the Constitution of the Belgic Union) "used to be convoked by the Council of State; but the Provinces and their Delegates, growing jealous of that power, perhaps from a misuser of it, formed an *Ordinary Council called the States General*, which is only a representation of the States General, though always called by that name. The Real Whole Body of the States General never sits; this so called sits continually." Compare this Case to that of the Committee of States *sitting in the Recess of Congress.* Does it not seem, from this example, if rightly understood and rightly

M 2 applied,

applied, that some caution is necessary, lest *the Committee of the States sitting in the recess of Congress, the representative of a representation, should in ordinary supercede Congress?* And does not the occasion of appointing such a Committee arise from a defect, namely, that of providing for the Administrative part of Government?

The observation, which the Memorial is led next to make, requires much apology; and is made with all deference to the wisdom of Congress; and the Memorialist confides in the candour of the Sovereigns of America, that they will not be offended, if he assumes in this point no more liberty than he did in his address to the Sovereigns of Europe. The Memorialist, persuaded of the truth of his opinion on the matter, as he conceives it to lie, and yet differing so directly from a decided opinion and measure of Congress, fears that he does not rightly or perfectly understand the case. Collecting, however, his ideas from the Act of Confederation, he cannot but think, that sufficient and adequate provision is not made for the

Repre-

Representing of the MAJESTY OF THE PEOPLE, THE SOVEREIGNTY OF THE UNITED STATES ; nor for the efficient Administration of the interest and powers of the Confederation as a General Government. From some lingering doubt of themselves, from some excess of distrust in men, from some defect in that assured confidence, which a People, founded in political freedom, and built up to Sovereignty, ought to have in their System, they seem (at least so it appears to the Memorialist) to have been afraid to establish a Supreme Magistracy, to give effect to, and to carry into execution, in a continued course of Administration, the resolves, orders, and measures of Congress. And yet their whole system, the forms of business, the procedure of the operations of the respective States, and the circumstances in which the American people at large found themselves at the time of the late Revolution, led as naturally to some such establishment ; as the System and Circumstances of the Roman People,

when

when they drove out their King, and abolished personal Domination, led to the establishing of the Administrative, Executive Magistracy in annual Consuls.

Previous to the reasoning in which the Memorial now proceeds to recommend the mixture of *Monarchical forms* of office in the Administrative branch of Magistracy, it may be proper to avow and declare the Memorialist's opinion of Government by a Monarch, claiming any personal right of *Imperium* over the State and People as his Dominion in property; it is a proper caution; that he may not be mistaken, or even suspected, when his ideas and words go only to that monarchical Magistrate, who merely as an official temporary responsible Officer administers, in rotation, the *Res Populi*, the Commonwealth; as though he had a drift, by a supposititious measure, to lay the ground for the Restoration of Monarchy. The Words of Mr. Harrington will best express it: " I could never be persuaded, " but that it was more happy for a people " to be disposed of by a number of persons

" sons jointly interested and concerned
 " with them, than to be numbered as the
 " Herd and inheritance of One, to whose
 " lust and madness they were absolutely
 " subject: and that any Man, even of the
 " weakest reason and generosity, would
 " not rather chuse for his habitation that
 " Spot of Earth, where there was access
 " to Honour by Virtue, and where no
 " Worth could be excluded, rather than
 " that where all advancement should pro-
 " ceed from the Will of one scarcely hear-
 " ing and seeing with his own organs,
 " and gained for the most part by means
 " lewd and indirect; and all this in the
 " end to amount to nothing else than a
 " more splendid and dangerous slavery."

Although this be the opinion of the Me-
 morialist, the Memorial will not presume
 to proceed in its opinions, but under the
 reasoning of that genuine Patriot, and de-
 cided Republican, BRUTUS, as contained
 in the advice which he gave to the Ro-
 man People at the Crisis of their revolu-
 tion from Monarchy to a Commonwealth.

" The

" The first essential business" * (saith
 this Great Man) " is to set ourselves
 " quite clear and rid of the Monarch, so
 " as to leave no doubts, no hopes, so as
 " to risque no danger of our falling back
 " to that System of Tyranny in personal
 " domination. This step secured; we
 " shall at our ease and leisure be Free to
 " make such alterations and correction in
 " the Office, as may be found safest and
 " best for the future administration of
 " our Republic; by a Magistracy of a
 " different institution, executing the ne-
 " cessary powers of this Branch of Go-
 " vernment, altered, corrected, limited,
 " controuled, and responsible at the Ex-
 " piration of their temporary *Imperium*.
 " The evils which were derived upon
 " us from the Monarch, as holding and
 " exercising his power *as of personal*
 " *right*, must be immediately and radi-
 " cally taken away and removed; and
 " the office must be guarded against all

* *Dionys. Halicarn. Lib. iv.*

possibility

" possibility of relapse into Tyranny for
 " the future. The Office itself should be
 " abridged in its duration, and limited
 " in its powers, in all reference to per-
 " sonal prerogative; in every circum-
 " stance and thing which may give the
 " most distant occasion to *continued or*
 " *Personal Government.* The Officer
 " or Officers, who shall be thought the
 " proper ones to administer this Office;
 " should not retain, even in idea or name,
 " the least trace of Government residing
 " in their persons, but in the Office:
 " and that they are *only the Administrators of a Government directed by the Senate,* and that they *act by the advice thereof,* and *under the authority of the same.* The Magistrate or Magistrates
 " should be elected, and that *only for a year,* in successive rotation of Persons.
 " He then declares his decided Opinion,
 " that it should not be entrusted to, nor
 " be permitted to be executed by *One Person,* but by *Two;* having equal
 " concurrent Powers and Jurisdiction.

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" The

“ The Government, thus bipartite, will
“ be a check upon itself; and each Offi-
“ cer must act cautiously with reference
“ to his Colleague. There will, by this
“ division of the Magistracy, be created
“ an emulation for the obtaining the good
“ opinion of the People, if not in both,
“ in one at least, in proportion as the
“ other by his conduct is losing it.
“ Lastly, and above all, the delegated
“ Power which is committed to the
“ Officer or Officers who are to adminis-
“ ter and execute this Office, should be
“ limited in time. As there is nothing so
“ strongly prompts, teaches, and tempts a
“ Man to annex power to himself perso-
“ nally, and to enterprise the extent of it;
“ nothing which renders the Attempt so
“ safe, and perhaps at length so neces-
“ sary, as distant and uncertain responsi-
“ bility, as the being unlimited in the
“ duration of the time for which he
“ holds his power: So, on the other
“ hand, nothing so truly and effectually
“ forms the republican character of the
“ Officer

" Officer chosen to govern, as that he
 " should in his person, and in turn of ro-
 " tation, obey as well as command ; that
 " his delegated powers should expire as
 " soon, and at as short a period, as is con-
 " sistent with efficient Government; and
 " that, at the end of his administration,
 " he should as of course be responsible,
 " and answer to the People for it. These
 " matters thus constituted and establish-
 " ed, you will not only be guarded against
 " all personal Domination, against the
 " evils arising or deriving from a Mo-
 " narch; but you may, on the other hand,
 " freely use, exercise, and enjoy, all those
 " advantages arising from the prompt,
 " efficient, and continued administration
 " of the Executive Branch through Mo-
 " narchical forms, combined with the
 " Aristocratic and the Controul of the
 " Popular Branches in the same Com-
 " monwealth. Considering these mat-
 " ters, and that the forms of your pro-
 " ceedings in business have been of this
 " sort, I should doubt whether your pru-

"dence would at present make any further alteration in your Constitution *."

To this the Memorial adjoins the coinciding opinion of one of the truest Patriots and first Republican Statesmen of the World of business. † Cicero says, *Res publica est Res Populi-- Status esse optimè constitutam Rempublicam quæ ex tribus generibus illis, Regali, Optimo, & Populari, confusa est medice.* Also the opinion of a decided English Republican, Mr. Harrington---"A Commonwealth consists of "a Senate proposing, a people resolving, "and the magistracy executing; whereby "partaking of the Aristocracy in the Se- "nate, of the Democracy in the People,

* The Memorial here gives, in a free translation, the Sum and purport, rather than the close tenor, of this Speech; rather than copying the manner, it gives the spirit of this wise counsel of Brutus, on which the Roman Republic, at its first great revolution was established. The Editor did think of putting the Speech itself in the original, in the margin; but, on second thoughts, decided that it was mere trifling to fill two or three pages with Greek to no purpose. The learned reader, if he feels himself interested, will refer to it.

† Fragment. Ciceroni de Repub. Libri. ii.

" and

" and of Monarchy in the Magistracy, it
 " is complete. Now, there being no other
 " Commonwealth but this in Art or Na-
 " ture, it is no wonder that the Ancients
 " held this only to be good."

After these authorities, the Memorialist presumes to offer, with all humility and deference, his own reasoning, applied to the present State of the American Confederation. It seems to this Memorialist, that, to insure to itself efficiency and permanency ; to assure all other Powers, which can have any negotiation or alliances with it, of its having full powers and authorities, not only to treat and to conclude, but to carry into actual effect whatever it binds itself to in Treaty ; the general Confederation, the general Government, wants something to insure in all cases the *Consensus Obedientium* of all the States, to those measures, the carrying of which into execution depends on the distinct Sovereignty of each State. The Congress met at Albany, felt the same difficulty, and found that in practice

tice, this same defect might occur. What they as Commissioners of subordinate dependent Provinces adopted, might suit them as subject to a Superior paramount Government, but can by no means be even talked of in the case of independent Sovereigns. In consequence, however, of the Independence and Sovereignty of each State, something hath appeared as wanting. What that something should be, the Memorialist does not presume, even in his own mind, to form an idea of, much less to write or speak of. If, on any occasion, the Delegates of any particular State, being in a Minority on any Question, the State who sent those Delegates should think, that Congress had exceeded the Powers with which it is invested, or had mistaken and not acted conform to them, and should therefore withhold the *consensus obedientium*; Political logic will never be wanting to give scope to such evil. If there are no such Symptoms through which Congress meets with difficulties; if what this Memorialist hath
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 been

been led to fear, and through excess of anxiety hath presumed to mention as an Object of fear, is unfounded, he begs pardon, and confides alone in the Spirit of liberality, which animates Congress, for forgiveness. If any such Symptoms have, however latent, been felt; the caution, although it may be, as Demosthenes said to the Citizens of Athens, neither prudent nor pertinent in me to mention, is, nevertheless, *always necessary for You, UNITED STATES AND CITIZENS, to take to your bosoms.*

The Articles of Confederation mark, that there are many Matters respecting the general Interest of the States, and their Business, which must be referred to Congress: the Deliberation, the deciding opinions and Resolutions upon those matters, and the originating of Measures to be taken thereupon, must certainly be trusted to Congress, and cannot any where else be so truly and safely trusted. Congress, however, seems to be formed on the Idea of a Senate to debate, or of a Council

Council to advise ; and there seems to be (at least it so seems to this Memorialist) a necessity of a distinct Branch of Magistracy for Administration : an office executed by some officer or officers that shall be responsible to the States at large. If the same Body whose Result forms the Reason of State, and hath full power and authority to decide and resolve what is right to be done in the General Government, is to administer this reason of State, and to execute the measure decided on ; there can be no responsibility : and should even, in future depravations of men, such cases arrive, that a Majority of some future Congress should be devoted to the sentiments of some foreign Court, THE UNITED STATES may be injured within the year of that Congress, without remedy : whereas, were two Consuls (Protectors, Stadholders, Presidents, or officers by any other Title) annually elected, who should administer and execute (under the Authority and by the advice of Congress) the General Business of the

UNITED

UNITED STATES, and limited in their power thus only to act, so as that any Act; not thus authorised and advised, should be null and void respecting the States, and Criminal respecting the Acting Magistrates; the Confederation could not be betrayed. And if, in order to manifest the Authority and Legality of these Executing Administering Officers, it should be a necessary accompaniment, that every Act should be countersigned by the Secretary of Congress; no Persons or States whom it might concern could be deceived. These Magistrates, to prevent any collusion between them and a corrupt majority of Congress, ought to be held responsible to the States at large, for executing any measures, even though advised by Congress, if such measures were fundamentally contrary to the Constitution, or directly injurious *Rei Populi*, or did in any mode betray the interest of the States to foreign powers: and at the same time these Magistrates, that in fair justice they might be able to act clear of

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blame

blame under this Responsibility, ought to have a power, if they saw Cause, jointly or separately, of suspending their Acting, until they could refer the matter of Doubt to the Several States respectively. "As the *hand* of the Magistrate would be, by this Institution, the Administrator of the *Reason* of State and the Executive of the Law; so the *head* of that Magistrate ought to be answerable to the People that his conduct is directed by that reason of State, and his execution conform to that Law *." Such a Magistrate will be in a natural incapacity of doing wrong himself, and will be from prudence and Self-safety an efficient check over any very dangerous errors or mischievous Intrigues of Congress. The Memorialist does not here presume to Speak of the Extent or Limitation of the Powers which should be vested in such Magistrates; he will only say, as an uncontrovertible truth, that they should be such as are efficient to Administration and Execution.

* Mr. Harrington.

Execution. If they are not, the Institution is a Mockery : and if the UNITED STATES AND CITIZENS OF AMERICA hesitate to delegate such to an annual elective succession of Magistrates in rotation, they have not within themselves a real grounded assurance in the foundation of their own System ; they are not perfectly confirmed and satisfied in the consciousness of their Political Freedom.

The Wisdom and Authority of the Congress is the concentration of the reason and powers of the several States ; as is, in like manner, each State the concentration of the reason and powers of its respective Citizens. The Sovereignty and *Imperium* of the Magistracy in each State, is the concentrating Representative of the Majesty of the People of that State. There seems (at least to the apprehension of this Memorialist) to be wanting, in the General Government of the Confederation, a like concentrated Representative of the Majesty of the People

at large, and of the General Sovereignty
of the United States.

As Man consists of Body as well as mind; so, in all matters with which his political existence is connected, there must be an actual office externally and materially existing, as *the residence of Majesty and Sovereignty in personal Existence*, with which the Majesty and Sovereignty of other States may treat and act.

If, according to experience derived from the Wisdom and Fortune of Rome, THE UNITED STATES should be of opinion to institute such an office, the residence of Majesty and Sovereignty; and to Create two equal Magistrates with concurrent jurisdiction, as above described, to administer and execute these concentrated Powers; they will, as that State did, cloath this officer or officers with all the ensigns of Majesty, and all the outward marks of Executive power; with all the honours and dignities that should attend and adorn the actual Representative

presentative of the Majesty of the People; so that its authority may be seen and felt, as well as its powers obeyed, within the General Government. They will so hold out the staff, and set up on high the Standard of their Sovereignty to all Nations, that its equal State may stand acknowledged, that its *Fecial* rights, its war establishment, the Rank of its Staff, and of its Officers, may be, by decided acknowledgment of Nations, known and avowed; that the Respect due to its flag, the Authority of its Passes, Letters of Mark, and the Rank of its Fleets and Seamen, may be settled as of common and reciprocal right; that the *several orders of Citizens*, in this New Republican State, may have, in perfect reciprocity, relative place and precedence amongst the *respective orders of subjects* in the several States of Europe; that its Commerce may, in its operations and interests, enjoy full and perfect liberty, such as it gives.

All the Forms of Office, all proceedings in business, all the modes of Administration,

nistration, all the acts of Government in the respective States, when they were Provinces and Colonies, were Monarchical. Most of the States have preserved the same Forms in their respective New-established Sovereign Constitutions; nor are they less Commonwealths or Republics for taking this mixed form; but, as hath been said above, so much the more firmly founded in Customs, Nature, and Truth. How, then, will the General Government be the less a Republic for taking the like form, or why less to be trusted with it? May the Memorialist, therefore, venture to say, UNITED STATES AND CITIZENS of America, consider and treat yourselves *as what you are*; and act upon your System *as being what it is*: and know *that it is* that best of all constituted Republics, that, in which the Monarchical, Aristocratic, and Popular Forms, are all combined in concert with each other.

If any doubts, fears, or jealousies, of the restoration of the Monarch, agitate the minds

minds of the States and Citizens ; the appointment of this new-reformed office, framed and interwoven into the Constitution of the Commonwealth, with powers that efficiently and to all purposes fulfil and execute all the duties of the Monarch, will, as it did at Rome, effectually for ever stifle every thought and wish that could look to such Restoration, and exclude all possibility of any such event taking place. Had the people of England, after the death of Charles the First, and the exile of the rest of the Royal Family, been in a capacity of taking up the precedent of Rome, and appointed an annual Magistracy---a Protector---or two Consuls, to execute the office of Protector or King, there never would have been a Restoration. But the Nation, finding no regular, constitutional, Administrative Power ; but, instead thereof, feeling the arbitrary power of every ascendant Faction, did, under one common sympathy, and unanimously, (if that expression can be said of an act where no concert or common

common consent was taken,) revolt from the Government in Possession, and recoil back into Monarchy, and to the Monarch.

The only thing which can ever, in America, create a danger of falling back to the imagination or desire of a Monarch, will be the leaving of the General Government defective, *sine Magistratu & Imperio* in the Executive Administrative Branch. If there be not a fixed permanent office, that may be the center of information ; the Repertory and Record of the concentrated wisdom of the People, of the Reason of State ; that may be the constant, uniform, never-ceasing spring of action in the administration and management of the general Interest, the general government of the UNITED STATES ; this Government must at times be at a stand, its powers suspended, and always liable to be inefficient. This *desideratum* will lead uneasy, unsettled, restless minds, to other *desiderata* ; and if this chain of reasoning, or of adopting opinions, once takes

takes place with a people, who shall say to what it may or may not train? More is to be apprehended from the deficiency of this Branch of Government, than it is possible should derive from any establishment of such a Magistracy, and such annual responsible Magistrates, as this Memorial presumes to recommend. The Constitution of Rome was ruined by the advantages taken in various measures from the want of a proper elective Assembly, representative of the People; and the creation of an + unlimited Magistrate, to actuate their factions. If any thing could have saved this Constitution, the Office of Consul would have saved it.

All that is here said, refers to the Establishment of the Empire, as to *Peace and Polity*: the Congress, with a General and Commander in Chief of the Army, was sufficient for *War*—* *Sed in posterum firmanda Respublica, non armis modo, neq; ad- versum Hostes, sed, quod multò majus, mul- tòq; asperius est, bonis Pacis artibus.*

The Memorial here closes what it hath

+ The Tribune. * Sallust ad Cæsarem.

presumed to advance upon the matter of Constitution ; and quoting an opinion of Mr. Hume, namely, " That Legislators " ought not to trust the future Government of a State to Chance, but ought " to provide a System of Laws to regulate the Administration of public affairs to the latest Posterity," will hope that what it hath recommended will make a serious impression on the minds of the Americans in the true sense of this wise and interesting advice.

The Spirit of a right Administration must be formed and take its spring from the various parts of the System of the Community and State ; from the form and order in which the Individuals within the community, and the Citizens within the State, lie and are distributed. An Administration of Government following these principles, will distinguish the essential unalienable rights of the Individual, both internal, and those which, being external, are communicable, and are melted down into the Communion. It will take care that that full right and pos-

possession, that free enjoyment of property, which the Individual is entitled to; that those laws of nature which even the establishment of Civil Polity does not interfere in, and which, therefore, remain in the right of the Individual, are not clogged, abated, or obstructed, by any of those perverted conditions which the Governments of the *Old World* have too generally adopted.

The Spirit of the American will, as it hath done, continue to provide for a full, equal, unobstructed, adequate Representation, agitating both Debate and Result, by which the wisdom of the General Community may be concentrated; by which the Sense, both in consent and dissent, of the whole, may be regularly collected. It will always provide, as it hath done, for an uniform equable rotation of Obedience and Command.—
“Neque solum iis præscribendus est Imperandi, sed etiam Civibus obtemperandi Modus. Nam et qui bene imperat, paruerit aliquando necesse est; et qui modestè paret, videbatur, qui aliquando imperet, dignus effe.”

esse. Itaq; oportet ut eum, qui paret, sperare se aliquo tempore imperaturum; et illum, qui imperat, cogitare brevi tempore sibi esse parendum." Cicero de Legibus, Lib. iii. § 2.

This measure of Rotation of Office, and responsibility at the going out of Office, is of the essence of a real Republic.

The State arising from, and being built up in, that Spirit of genuine Liberty, which animates the New World, not in the partial political one of the Old World, which hath a thousand distinctions and exclusions of Nations, Provinces, even Colours of the human Species; the UNITED STATES AND CITIZENS of America, whose System is founded on a Law of Nations that coincides with the Law of Nature, will find it just and right, true in politics, to institute some mode, by which the *Slaves*, whom Providence hath suffered to come under their domination, may work out, by proper means and in suitable time, their Liberty; by means which may not injure the property of the Master-owners, and which may render

render the Slaves better and more zealous servants, while their Slavery remains. These unhappy People, emerging to liberty, under certain limitations, will become, what the American community most wants, a beneficial Supply of Labourers, Farmers upon rent, Mechanics and Manufacturers. Perhaps, in order to throw them into these classes, as well as for other reasons, it may be thought one of the proper limitations, to exclude the coloured *Liberti* from a capacity of having or holding any landed Property, other than as Tenants. The Memorialist has his ideas as to the means of carrying this measure into execution. If the States should disapprove the measure itself, the mention of them would become improper. If it should please God to put it into their hearts, to reason, that, while they feel their obligations to his Providence for establishment of their own liberty, they ought to think it a duty required of them to open and extend this blessing to their fellow creatures;

tures; they would be masters of much better ways and means than the Memorialist could suggest, each State adopting by their own legislature such as were suited to their respective peculiar circumstances.

As the UNITED STATES in the New World have no landed Clergy, no Church Establishment, as the Religion of the State or the General Government; and as this is a matter so foreign and incomprehensible to common Politicians of the Old World; more than ordinary attention becomes due to the grounds of the Sanction of Oaths. It will be wise to review the Institutions by which Oaths are applied to the interior proceedings of Government; it will be necessary that Foreign powers should understand the Grounds of these Sanctions, both divine and human, by which the obligation of oaths in America stands bound and devoted.

Although the Modes of Faith, and Fashions of Ceremonies in the Religion of America, are left as indifferent and irrelevant,

irrelevant, either to the true Essence of Religion, or to the Constitution of the State; yet there is no Country or Region on the Earth, where a real sincere conscientious sense of the divine truths respecting the Supreme Being, and the dispensations of his providence here, and in a future State of Rewards and punishments, are in Spirit and truth so generally impressed on the mind and Character of the Inhabitants; and the States, each within its own jurisdiction, do require of every Citizen, * upon the same Principles

* It may not be amiss to give an instance or two of this: first, as it was conceived by those States of the Old World who were under the darkness of the False Religion; and, next, of the general manner in which the American States take up this necessary claim on their Citizens.—*Si igitur hoc a principio persuasum Civibus, Dominos esse omnium rerum ac moderatores Deos : eaq; quæ gerantur eorum geri ditione, ac numine, eosdemq; optime de genere hominum mereri : et Qualis quiq; sit, quid agat, quid in se admittat, quâ mente, quâ pietate colat religiones, intueri, piorumq; etim piorum habere rationem.* — *Utiles esse autem opiniones has, quis neget, cum intelligat quam multa firmentur jurejurando ; Quantæ Salutis sint Fœderum religiones ; quam multos divini supplicii metus à scelere revocarit, quamq; sancta sit Societas*

ciples that all other States have done, some open testimony and overt act of his religious character. There is, therefore, the same grounds of the Sanction of an oath in the mind and conscience of man towards God, in America, as in any other Country ; and, indeed, ground more assuredly to be rested upon, where the religion, being that of the mind and heart, is free in Spirit and Truth, than where it is

made

Societas civium inter ipsos; Diis immortalibus interpositis tum Judicibus tum Testibus.—Cicero de Repub. L. ii. § 7.

See next how the States of America take up this idea, and make it one of the fundamentals of their System. I will take my instance from the State Massachusett's bay ; which shows, that, although that Commonwealth admits no Church establishment, yet it considers Religion as the fundamental principle of a State.—“ It is right, as well as the Duty of all Men in Society, publicly and at stated seasons to worship the Supreme Being.—As the happiness of a people, and the good order and preservation of the Civil Government, essentially depend upon Piety, Religion, and Morality ; and as these cannot be generally diffused through a Community, but by the Institution of the Public Worship of God, and of public instructions in piety, Religion, and morality ; therefore, to promote their happiness, and to secure the good order and preservation of their Government, the People of this Commonwealth

wealth

made up of externals forced by establishment into practice; which becomes little better than either mechanical habit, or hypocrisy. Again; where Men accustom themselves to use in common conversation the forms of oaths by appeals to God for the truth of their Conduct or of their

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wealth have a right to invest their Legislature with power to authorise and require, and the Legislature shall, from time to time, authorise and require, the several Towns, Parishes, Precincts, and other Bodies politic, or religious Societies, to make suitable provision, at their own expence, for the institution of the public worship of God, and for the support and maintenance of public Protestant Teachers of Piety, Religion, and Morality, in all cases where such provision shall not be made voluntarily.'

'And the People have a right to (and do) invest their Legislature with authority to enjoin upon All the Subjects an attendance upon the Instructions of public Teachers as aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.'

'Provided, notwithstanding, that the several Towns, Parishes, Precincts, and other Bodies politic, or religious Societies, shall at all times have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.'

'And all monies paid by the Subject to the support of public Worship, and of the public teachings aforesaid, shall, if he [that is, any Individual, or

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number]

affeverations; or where, in the like profane habit, they do, as it were by a kind of *votive ordeal*, call down upon themselves the vengeance and the curses which God is supposed to pour down on the heads of the perjured: in such countries, and with such habits and characters, there will not be that religious Sense of the solemn Sanction of an oath, as in America, where this profane habit hath not yet pervaded the general manners of the people.

An Oath is, as Cicero * defines it, *Affirmatio religiosa, Deo teste.* This being

number of Individuals] requires it, be uniformly applied to the support of the public Teacher or Teachers of his own religious Sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the Teacher or Teachers of the Parish or Precinct in which the said monies are raised.'

'And every Denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the Law; and no subordination of any one sect to another shall ever be established by Law.' — This Institution, mutatis mutandis, will suit the religious part of every state in America.

* De Off. Lib. iii. § 29.

so solemn an appeal to religion as ought not to be permitted to be violated without the temporal resentment of Civil Society; all States have annexed severe temporal pains and penalties to this daring breach of faith, pledged under the witnessing Eye and Sanction of Heaven. The Sanctions of an Oath are by these means of two kinds: *Perjurii pœna Divina Exitium; Humana Dedecus.* Cicero de Leg. Lib. ii. § 9.

If there is not in a People a conscientious habitual sense of the superintending Providence of the Supreme Being, the *pœna Divina*, with the Man or Men who want this Sense of duty towards God, will become a mockery and an ensnaring false pretence to confidence; and the adding an oath, under this callous State of conscience, must operate as such a snare, without insuring truth or right. Nay, even further; where the proper sense of religion remains, if the divine Sanction of Oaths is applied in trivial cases, or too

presumptuously recurred to in matters of doubtful temptation, or even made too common on more serious occasions—or is tendered as a form of course in the ordinary occurrences of business,—it will become profaned; first neglected, and finally contemned. This Error hath been invariably fallen into by all the Governments of the Old World, hath invariably produced the same evil, hath been felt in all, complained of, but never redressed.

It is a common and repeated remark with Historians, when they compare the corruptions of later with the purity of former times, to mark this loss of the *Divine Sanction* of oaths. * Livy, speaking of a transaction, wherein the Tribunes aimed, by a casuistical distinction, to absolve the people from their oaths, says, *Sed nondum hoc, quæ nunc tenet Sæcula, negligenter Deum venerat, nec interpretanda sibi, Quisq; jusjurandum & Leges aptos faciebat, sed suos potius mores ad ea ac-*

* Lib. iii. § 20.

commodat.

commodat. The Memorial here recurring to its leading proposition, That, as the Americans are founded on, and *built up in*, quite a new System in a New World, by themselves, are not only at liberty, but, in the natural course of their operations, must be led to take their measures from nature and truth, and not from prejudged precedents ; whatever institutions they form on any new matter or occasion will be original : on this position, the Memorialist ventures to proceed in the following reasoning. As the sanctions of an oath are of two kinds, if the oath is tendered and taken under one only of these sanctions, the *Pœna*, as Cicero describes it, will have a very different reference to the avenging justice of Heaven, or to the pains and penalties of the Civil Power. The American Legislators may, perhaps, making this distinction, be led to separate these two very different sorts of Oaths ; the Oath taken under the Civil Sanction and Penalties only, from that in which the Di-

vine

vine and Human Sanctions are combined. An oath taken and made, not invoking the presence and attestation of God, but in presence of and pledged to the Civil Magistrate only, under all the pains and penalties of perjury, and, under the Sanction of those penalties, in case of perjury, of being rendered incapable of giving testimony, of doing any act, or enjoying any right, privilege, or thing, which requires the intervention of an Oath, may be sufficient bond of faith in all ordinary cases, in all Forensic or Commerical transactions. *The OATH of the higher and more solemn form*, where God is invoked as a witness, wherein he is appealed to as a Judge, and as the direct avenger of perjury; this solemn Oath, in which the Divine Sanction hath also the temporal human Sanction combined with it, should be reserved solely to the most important occasions of the State, either in its Fœcial and Fœderal transactions with Foreign Nations; or where, within their own Sys-
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tem, the Majesty of the People ; the Sovereignty of the State ; the vitality of the Constitution ; or the life of man is concerned. In the tender and taking of this oath of the higher and solemn sanction, every ceremony, every solemnity, should be used that can tend to impress a right Sense of the Sacred Sanctions under which it is taken.

An institution of this kind, planned and formed by the wisdom of the Assemblies of the States, with all the provisions, distinctions, and limitations, which they will best know how to apply, would avoid all those evils arising from the defect or corruption of the divine sanction of oaths ; would preserve more sacred that sanction ; and maintain its operative effect on the minds of men longer than any State of the Old World hath been able ever yet to do.

This Memorial doth not presume to review the establishment of the Military Part of the States ; nor the form under
which

which the Continental Army was constituted: if it did, it could be only to say, that nothing could be better calculated, nothing more wisely grounded, so as to harrass the people as little as possible, and yet always to be in practical promptitude, and efficiency, to execute the very service for which it was called forth.

It declines, also, saying any thing on the Naval Department, as that subject seems to the Memorialist to require the discussion of a previous question, of great import either way, and a matter of deep policy, of which the Memorialist is not competent to judge; namely, whether that Force should be brought forward into force equal to the capabilities of the Empire, *all at once*, by one great united effort; or be let to grow by a natural successive progression in the ordinary train of affairs?

There are one or two points which lie not, indeed, so much in matter of Administration, as in the procedure of executive Justice.

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The first is the new mode by which the States and the General Government must define and class the Crime of Treason, and Offences against the *Majestas* and the *Salus Populi*, and the Sovereignty of the State. The Governments of the latter periods of the Old World being Feudal, and there being no idea of Sovereignty but of that which was Personal, the Crime of Treason was confined to overt acts committed against this Personal Sovereign : but in the new System and Constitution of the UNITED STATES, the object is the *State*, not the *Person*. This Crime must be described, defined, and classed under its several degrees of criminality, according to this latter Idea. Here the Wisdom of Congress and of the States cannot act too much upon caution, cannot too attentively, too anxiously, apply that caution, to guard itself against the errors into which the Romans were betrayed, and which, under this law of *laesa Majestas*, gave scope to the most cruel engine of Tyranny.

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There are not, nor ever were, in America, any of those *Forest-laws*, if Laws they can be called, which were the mere denunciations of Tyranny and Domination ; Regulations that ruined the poor subjects of the Monarchs of Europe, in order to insure the preservation of their beasts of the Chace. This tyranny became intolerable every where ; in Britain it was wrenched out of the hands of the Monarch. If the suppression of this domination had been made under the genuine Spirit of Liberty, the mischief would have ended here ; but a hundred heads of petty Tyrants sprung out of the neck of this Hydra principle. A System of *Game-Laws* became established in the hands of lesser, but more mischievous Tyrants ; and in their hands became snares round the necks, and as whips of scorpions over the backs of the lesser inhabitants of the land, the unqualified Yeomanry and Tenantry : but the Spirit of America revolts against such baseness ; the very air will not permit it ; what is *Wild by Nature*

Nature is there Game to every Individual, who is *free by nature*. There are laws to secure to each land-holder, the quiet enjoyment of his land against real trespass and damage ; but there are no *Game-laws* in America : that impudent Tyranny hath not yet, and, I trust, never will, dare to show its head in that Land of Liberty.

There is another matter of Police, which being, as the Memorialist conceives, an almost general Error of the Governments of the Old World, and such as he thinks the System and Principles of the New World will reform, he will not pass by in silence. He thinks that *imprisonment for debt* is a direct solecism in policy, not relevant to the ends of distributive Justice, and contrary to every idea of the advantages which the Community is supposed to derive, in some degree or other, from every individual. Imprisonment cannot pay the debt ; is a punishment that makes no distinction between criminality, or the misfortune, which may

have occasioned the debt. The glaring injustice of this punishment hath led to two remedial Laws, the Statutes of Bankruptcy and Statutes of Insolvency, which are sources of endless frauds. The locking-up the debtor from all means of Labour or Employment, is robbing the community of the profit of that labour or employment which might be produced, and is making the Debtor a burthen to his Creditor and to the public. If any fraud or other criminality appears amongst the causes of the debt ; or if it hath been occasioned by an undue course of living above the circumstances of the debtor; correct the vicious Follies, punish the Fraud. But taking the Debtor, simply as a debtor, pity his misfortune ; do justice, nevertheless, to the Creditor. Instead of shutting the man up from all means of maintenance, * indent

* This Indenting of a Servant for a number of years, three, four, or seven, as the Europeans do apprentices, is a practice of every day : where New-comers into the Country,—some possessing large sums, indent

dent him to his Creditor or Creditors as a bond servant ; or where misfortune and not criminality, put him in some or other way by which some profit may be drawn from him. If he cannot labour in one way, he may be employed in another ; for when obliged to it he will become useful in some way or other. If his mode of labour or capacity for employment be not of immediate use to his creditor, that creditor can sell his time to some other person, to whom it may become so ; the Creditor will thus, in part, be reimbursed ; the profit (how small is not here the consideration) will not be lost to the Community ; and the dread of being reduced to this servile state will be a greater terror to debtors becoming so by fraud and criminality, than any confinement in any jail whatsoever.

The Americans will excuse the Memorialist, if he mentions one matter more ;

dent themselves as Servants for three or four years, in order to learn the busines of the Country before they settle in its Lands.

which

which is, a caution against their falling into that false police of the Old World which hath manacled the hands of Labour, and put fetters on the activity of the Human Being; which hath fixed him to one Spot, and, as it were, to a vegetable mechanism, whom Nature meant should be locomotive, seeking his means of labour and employ where he could best profit of his powers and capacities. He mentions this as a guard against their interfering with the free course of Labour; the free employment of Stock, either by direct regulating and prohibitory laws; by partial privileges, on one hand; or checks on the other; or by any local or personal privileges, which is a bounty on idleness, and destroys all competition; or by foolish bounties, which put every account of manufactures or commerce on a false balance at the outset, which is never after set right. He hopes the Americans will excuse this excess of caution in an European, who has seen the evil effects of all these errors in police. He knows that
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there is no such Spirit of Police in America, and he thinks he may hope there never will be.

Having thus discussed the *Essence* of the New System in the New World; the genuine Spirit of Liberty which animates it; the Spirit of Sovereignty that actuates it; the *equal temper* of a community of Equals which gives equable and uniform motion to it: having examined those relative matters which may, both internally and externally, affect the *existence* of this independent Sovereign; those points more particularly which are necessary to give it Efficiency, and to assure its Permanency: Having, by a concurrent analysis of its actual Situation with the Principles of the System, shewn how the Constitution is founded on nature, and built up in Truth; having explained (according to the manner in which the Memorialist reasons) how some new and original institutions of Policy ought to arise out of it: having marked what ought to be, and what

what will be, *the Reason of State, the Spirit of Administration* of such a free Sovereign, so founded and so built up: The Memorial will now venture, in the words of the Prophet *, for this Prophet was as true a Patriot, as deep a Politician, as he was a sound Divine, to say to the Sovereign Government of America,

1. Arise, ascend thy Lofty Seat.
2. Be cloathed with thy Strength.
3. Lift up on high a Standard to the Nations.

Actuate your Sovereignty: exercise the powers and Duties of your Throne. Let the Supream Magistrate or Magistrates be visibly *cloathed* with the Majesty of the People; and seen to be armed with the efficient powers of Administration; and constantly attended with the rewards and Punishments of executive Justice. The Magistrate or Magistrates should not only have all those powers, but *be cloathed*

* Isaiah.

with

with them, as with a Robe of State. The Fasces or other Insignia Juris et Majestatis Imperii should precede this Magistracy in some visible form, whenever he or they come forth in the forms of office. These are expressed by the *Insignia* and *Fasces* which the Romans fixt in attendance on the CONSULS, after they had abolished the pomp and parade of their King.

It is not sufficient that the UNITED STATES feel that they are Sovereign; it is not sufficient that the sense of this is universally felt in America; it is not sufficient that they are conscious to themselves that the *Punctum Saliens*, the Source and Spring of the Activity of this Sovereign power, is within their System: until they *lift up on high a Standard to the Nations*, it will remain as an abstract idea, as a Theory in the World at large. This Sovereign must come forward amongst the Nations, as an active Existing Agent, a Personal Being, standing on the same ground as all other Personal Sovereigns.

Its Powers, Commissions, Officers Civil and Military ; its claims to, and its exercise of, the Rights of the Law of Nations, must have their full and free scope in act and deed : wherever they come forward, their Standard and Flag, the Ensign of the Majesty of their Sovereignty, must be erected, and its rights and privileges established amongst the Nations of the Earth ; it must be acknowledged ; respected ; and, in all cases whatsoever, *treated as what it is*, the Actual Signal of a Sovereign Empire.

The Supream * Magistrate of this confederate State when placed on the Throne of Empire, will become animated, and feel himself actuated by a sense of Sovereign power ; of his being the administering Officer of a Free People : and the People, conscious that they are mutually

* I here use the word Magistrate singularly, as meaning Magistracy, instead of repeatedly using the expression Magistrate or Magistrates.

Participants, and in common Constituent-Members, of this Sovereignty, will feel a reciprocal sense of the Duty of Obedience.

The Popular Branch of a State, the People, are always found attached to their ancient Government; the Allegiance is so worn into habit, as to create a home-sense of its being *Their own Government*: this is an artificial conscience, an acquired opinion, a secondary principle. But when a People feel, that this Government is of their own establishment and Structure; that the Magistrate administering is of their own creation; and that each one of themselves is capable in rotation of becoming that Magistrate; they feel directly, primarily, on the fact, that this Government is their own *Imperium*, and the Duty of Obedience operates as by a sense of Nature.

The Supream Magistrate of this Republic will feel, that the Community meant that the Sovereignty should be Efficient; and that He is entrusted by the

Confidence of the People so to actuate it, He will assume to his Character this confidence. He will have the consciousness of knowing that He is the actuating spirit of the concentrated Vitality of the State ; and that His first and direct duty is the preservation thereof in all its functions, health, and efficiency. He ought to fear nothing so much as the doing or suffering any thing that may hurt the *Salus Reipub.* that may diminish or abate the Majesty of the People. It is not sufficient that his office and Character have respect annexed to them ; but He ought to acquire an Ascendancy that will command respect. He ought to be cloathed with the palpable visible Authority and Power of the *Imperium.* He ought to stand above the level of Equality ; He ought, wherever he is seen, to impress a sense and an idea of Superiority and Eminence ; He ought to be looked up to as the shield of the Good, and as the armed avenging hand of Evil. The People ought to see, (and, if the constitution

constitution of the State be conform to the System of the Community, they will see,) that, as all political information centers in this office ; as the Wisdom of the State is concentrated there ; so the Activity of the State springs from it. Thus Seated on the Throne of Empire, the Supreme Magistrate of a State formed of a Free People, where the interest of the Rulers and of the People coincide, or rather are the same ; the People and the Rulers cannot have two different views of things ; the Rulers can have no Interest, no Wish, to represent or to treat things different from what they are. In a State so constituted and so arranged in its administration, there cannot be even a temptation to deceive on the part of the Rulers ; there cannot be any ground to suspect such on the part of the People. It is only when the Government is built up contrary to the fundamental System of the Community, or, being perverted, becomes so,
that

that deceit, corruption, or violence, can become a measure of State Policy. In a real Republic, which is *Res Populi*, the Procession of its constitution, and the course of its actions, arise from Nature and Truth; all Deception, all Corrupt influence, all Violence, is directly contrary to the true principles of polities. Without Truth and Justice, a Republic cannot be administered or governed. The Supreme Magistrate of such a free State, must, from the nature of his information, see things as they lie in Nature, and will of Course found his Measures in Truth. Truth is not only a virtue, but is Wisdom; and, in a government of a real Republic, such as the Empire of America, is the only Genuine Policy. It creates trust, finds Union and Confidence. And, lastly, an Administration actuated by such principles and maxims, finds itself *Cloath'd with Strength, the united strength of the People.*

People *. Where there is a right knowledge in a Supream Magistrate of the Duty of administering a Republic, that Magistrate will be above all wretched King-craft and Cunning. Such is only necessary to false Power, to half spirit, and half sense. The Magistrate who acts with real power, and understands his own situation and duty, will treat Persons and Things *as what they are*; he knows exactly the line and takes it, and discerns of course the crooked one, only to avoid it. Truth has but one plain road to take; it is open, and is the best Policy. As it

* This is not vision, such as the Statesmen of Europe, who are wise in their Generation of Corruption, may call it: it is Fact. And the Memorialist feels a conscious pride that He dare appeal to the State Massachusett's-bay, for an Example, in a period wherein the Rulers and the People had but one View of things, but one line of Conduct; wherein more real Exertions were made for the Public Service, than in any other Period, wherein the People have been attempted to be ruled by the Art of Governing, by deception, by corrupt influence, by violence,

doth

doth itself command Nature; it will lead a Republic to command to the utmost extent of its Capacities and Powers.

That Spirit of Uniform Justice, *quæ nec puniendo irritat animum immanem; nec omnia prætermittendo, licentiâ, Cives deteriores reddit,* is inseparably allied to this of Truth.

The Spirit of Magnanimity, that Spirit which never ceases to feel that it is acting the part of a Sovereign over a Free People, who Governs by Authority within the State, and holds up his head with an ascendant address amongst his Equals, other Sovereigns of the Earth, is another constituent part of this character.

A temper of invariable universal Benevolence, which circumscribes all the rest, and binds the Character into perfect System, is the crown of these (I will call them) political virtues.

Being thus planted in a New System in a New Country; growing up under such prin-

principles of Truth and Nature; established in such a Constitution of Government; having in so short a period been brought forward to Independence, and become Sovereigns acknowledged so by the Sovereigns of Europe; all this coming into Event by Something beyond the ordinary course of Events in human affairs,
THE UNITED STATES AND CITIZENS OF AMERICA may say, "*It is the Lord's "doings.*" But let them remember, that enjoying a System of police that gives activity to their powers; that inhabiting a New World, a land of plenty and liberty; a country which hath so many sources of enjoyments which it offers to the Old World—let them remember the obligations which Heaven hath thus laid on them, and the returns which this Goodness reclaims of them; that They respect the rights and liberties of Mankind; that by a free commerce they diffuse to the World at large the surplus portion of these

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good things which they must be continually creating in their own World ; that they consider themselves as the means in the hands of Providence, of extending the Civilization of human Society ; and the Teachers, by their example, of those Political Truths, which are meant, not to enslave, but to render men more free and happy under Government.—If they take up this Character within themselves, and hold out its operations and effect to the Old World, they will become a Nation to whom all Nations will come ; a Power whom all the Powers of Europe will court to Civil and Commercial Alliances ; a People to whom the Remnants of all ruined People will fly, whom all the oppressed and injured of every nation will seek to for refuge. *The riches of the Sea will pour in upon them ; the wealth of Nations must flow in upon them ;* and they must be a populous and Rich People.

That all this, UNITED STATES AND
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CITIZENS of America, may tend to your own real Good, Peace, and Liberty ; that all this may prove the natural means, under the blessings of Heaven, of General Liberty, Peace, and Happiness to Mankind, as the utmost that Human Nature here on earth can look to, is the ardent wish and anxious prayer of Your Memorialist

T. POWNALL.



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